

INDIA

HER CIVIC LIFE AND ADMINISTRATION.

PART I

CIVIC LIFE

Chapter I

GENERAL BACKGROUND OF CIVIC LIFE

Introductory — Citizenship consists not only in the allegiance to the State and the enjoyment of rights and the performance of duties as a member of a politically organised society, but also in taking an active and intelligent interest in the civic and political life of the community and contributing one's instructed judgment to the solution of national problems. Whereas all the adult members of a State receive the benefits of its membership and discharge the obligations it imposes, only a comparatively small number are in a position to contribute towards the solution of the various problems. The reason is that participation in the general civic and political life of the community presupposes a knowledge and understanding of the conditions and factors influencing its social, religious, economic, educational and political environment. This is possessed by a minority only. This volume is designed to give the Indian students and public workers some information concerning the forces and factors which mould and shape our civic and political life.

In this chapter we shall deal with the geographical background of life in India, and lay stress on her fundamental unity which can not be ignored or denied but by interested persons.

Physical Features — One of the fundamental facts which affect life in India and which no one interested in her problems can afford to forget, is her vast extent. Indeed so big is her area that persons interested in denying her essential unity call her a sub-continent. A few comparisons will give an idea of her vastness. She covers an area of 15,81,410 sq miles, and is about the size of Europe minus Russia, about three fifths of the United States of America, and also of Australia. Excluding Russia none of the European countries is bigger than the province of Madras, and

some of the smaller countries like Holland and Switzerland are only as big as a district like Gorakhpore. Whereas one night spent in a railway train would take one across the whole length of France, or England, or Italy, it would require a journey of four or five days to go from one end of India to the other. From the northernmost point in Kashmir to the southernmost extremity of Cape Comorin her length is about 2000 miles, and her greatest breadth from the easternmost place in Assam to the westernmost place in Sindh is also about 2000 miles. On the north she is bounded by the Himalayan range which curves like a scimitar and makes almost a complete rampart. On the east and west she is girt in, for the great part, by the ocean. Her eastern land frontier is mountainous with very few inlets. On the north-western frontier there are also mountain ranges having the famous Khyber and the Kulliam, the Tochi and the Gomal passes through which foreign invaders have come from time to time. These physical features of her frontiers have had deep political consequences. India has been free from attack from the north, and largely also from the east *. Invaders generally came from the north-west where the mountain passes are difficult to defend but easy to penetrate. In olden times she was safe from attacks from the sea. But with the development in the art of navigation and the growth of naval power of European nations, she became subject to invasions of a different type which resulted in the establishment of British rule and authority in the country.

This vast expanse of land surrounded by natural barriers on almost all sides contains all sorts of climates and soils found in the world. The mountain regions of the north, north-east, and the north-west are very cold in winter and receive abundant rainfall. They produce timber, tea, wool and other hill products. The extensive Indo-Gangetic plain watered by the Indus, the Ganges and their numerous tributaries is very hot in summer and quite cold in winter. It also receives a plentiful supply of rain, the amount diminishing as one proceeds from the east to the west. It contains fine alluvial soil, perhaps the most fertile in the world. This plain is the granary of India, it produces wheat, maize, barley, rice, jute, opium, sugar-cane and also yields other crops. Two-thirds

* The Japanese invasion of Manipur State last summer is one rare exception to the rule

of India's teeming millions live in this plain. To the south-west of this plain lies the desert of Rajputana with great heat and little rainfall and consequently having little vegetation. To the south is the Deccan plateau surrounded on three sides by mountains, the Satpuras and the Vindhya on the north, the Eastern and the Western Ghats on the east and the west. Its climate is less extreme, it is more tropical than that of the Indo-Gangetic plain, and its soil is red or black, but fertile enough. Between the sea and the Western Ghats there lies a narrow coastal strip which receives abundant rainfall and produces coconuts, spices, etc. Between the Eastern Ghats and the sea also there is a coastal strip, broader and much more cultivated than that on the west coast. It produces rice, maize, and other coarse stuff.

Though the southern plateau is separated from the Gangetic plain by a low ridge of hills and differs from it in physical features which have had important bearings on the political history of the Deccan, the whole country from the Himalayas to the Cape is geographically one and indivisible. The Satpuras and the Vindhya are neither so long nor so lofty as to check all intercourse between northern and southern India. They do not divide the alluvial Gangetic plain from the Deccan tableland so sharply as the Himalayas divide India from Tibet, or as the Hindu Kush cuts her off from Afghanistan. The geographical *diversity* of Europe offers a strong contrast to the geographical *unity* of India. No one part of India is cut off from the other as the Iberian peninsula is separated from France by the Pyrenees, or as Norway and Sweden from the rest of the main land by the sea, or as Greece from the Balkans by the Corinthian range. These physical barriers have been responsible for numerous National States in Europe and have made it into a continent and not a country. In India there have been no similar hindrances to movements of people from one part of the country to another. The result is the absence of sharp differences and divisions in the people and the presence of a common national culture. Geographical unity is thus a prominent feature of the country. About its national and cultural unity something will be said in another section.

People of India.—The vast expanse of the country supports an

equally enormous population. No other country in the world except China has a larger population. Countries like the United States of America and Australia which are bigger than India have a much smaller number of inhabitants. According to the last census report, the population of India touched the 390 million figure. Such a huge mass of humanity, numbering about one fifth of the entire human race, is bound to show racial and other diversities. Nowhere in the world, except perhaps in Soviet Russia, do we find such a blend of racial strains as in India. From the early Aryan tribes who descended into the country from the north-west, to the Muslim hordes who over-ran the country from the eleventh to the sixteenth centuries, successive waves of invaders had left their impress on the people. At the present time we find the Indian people to be a blend of the following ethnic or racial types: Dravidians, Indo-Aryans, Mongols, Scythians, Turks, Persians, and according to some, even the Greeks.

Though purity of race cannot be claimed for any section of the people, we may roughly say that

- 1 The inhabitants of the Punjab, Kashmir and Rajputana are *Indo-Aryans*. They are the descendants of the Aryans who were the first to enter the country from the north-west and drive the original inhabitants eastwards and southwards.

- 2 The residents of the United Provinces, parts of Rajputana and Bihar are *Aryo-Dravidians*. They are a mixture of the Aryans and the Dravidians with a dominance of the former element.

- 3 The people of Bengal and parts of Bihar belong to what may be called the *Mongol-Dravidian* race.

- 4 The residents of Maharashtra and other parts of western India are of the *Scythio-Dravidian* type.

- 5 The *Dravidians* predominate in Madras, Hyderabad and parts of Central India.

- 6 The Baluchis and the Afghans living in Baluchistan and the North-Western Frontier Province belong to the *Turko-Iranian* race.

7. Mongols are found in Assam.

- 8 Mention should also be made of the aborigines who number about 25½ millions and constitute 6½ % of the total population.

Recently there has been some admixture of European blood. A new race namely that of the Anglo-Indians, has sprung up. It would

seem that the chief races in India are the Aryan, the Dravidian, and the Mongolian, and the sub-races formed from their fusion. Generally speaking, the Aryans are tall and fair, the Dravidians, short and dark-complexioned, while the Mongolians are rather sallow, snub-nosed and with high cheek-bones. They also differ in their dress and diet. But it may be maintained that diet and dress are determined more by the nature of climate and soil than by any ethnic characteristic of the people.

This racial heterogeneity of the Indian nation is not to be deplored, it has made our culture more rich and varied, virile and vigorous, than it would have been otherwise. There is hardly any country in the world with an ethnically homogeneous population.

More important than this varied racial composition of the Indian people from the point of view of its influence on their social and political life is the great variety of the religious faiths held by them. Almost every great religion of the world has its followers in this land of ours. There are the Hindus who follow the ancient Vedic religion, and there are the Buddhists (mainly in Ceylon and Burma which are not now parts of India), the Jains and the Sikhs, whose faiths are offshoots of the ancestral Hindu religion. Then there are the Muslims and the Christians, the Parsees and the Jews. There are many tribal religions also.

The relative strength of the different religions according to the 1941 Census figures is as follows: Out of a total population of 38,66,66,523 the Hindus number 25,49,30,506 and constitute 65.93 % of the population, the Muslims number 9,20,58,096 and constitute 23.81 % of the population, the Sikhs number 56,91,447 and constitute 1.47 % of the population, the Jains number 11,49,286 and constitute 0.37 % of the population, the Buddhists number 2,32,003, the Parsees number 1,14,890, the Indian Christians number 60,40,665 and constitute 1.63 % of the population, the Anglo-Indians 1,40,422, other Christians 1,35,462, the tribes number 2,54,41,489 and constitute 6.58 % of the population, and minor religions 4,09,877 and constitute 0.2 % of the population.

Out of 25,49,30,506 Hindus, 20,61,17,326 are caste Hindus and 1,88,13,180 belong to the scheduled castes.

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The Hindus predominate in Madras (86·74 per cent), the United Provinces (83·26 per cent), the Central Provinces (76·92 per cent), Bombay (79·40 per cent), Bihar (72·36 per cent), Orissa (78·28 per cent). The Muslims are in a majority in Bengal (54·73 per cent), the Punjab (57·97 per cent), and they also form the bulk of the population in Sind (70·75 per cent), and the North-Western Frontier Province (91·70 per cent). The Sikhs are confined almost to the Punjab where they form an important minority. This uneven distribution of Hindus and Muslims in various provinces has given rise to a very difficult communal problem in the country. The Parsees and the Jews are concentrated mostly in Bombay city only.

The prevalence of different religions is neither unnatural nor harmful in itself. It makes for variety and richness of religious experiences and is calculated to promote a broadness of outlook and extension of sympathy. But on account of the fact that religion permeates all aspects of Indian life and is a great social force in India, the diversity of religious faith has been an impediment in the development of national unity.

Occupations — India is primarily a land of villages. This means that agriculture is the occupation of the bulk of the people. It has been estimated that about 71 per cent persons earn their livelihood by agriculture. Though India ranks as one of the eight leading industrial countries of the world, the number of people engaged in *organised* industries is about one per cent. About 10% are engaged in *unorganised* or cottage industries, and six per cent in trade, two per cent in transport, and only one per cent in government service. These facts are highly significant for all who are interested in the amelioration of the people of the country. Nothing can improve the lot of the people which does not help the villager engaged in agriculture and subsidiary industries. Industrialisation would not materially affect his condition.

Languages.— In India we find not only diversity of race and religion, there also exists a great variety of spoken and written languages. It has been computed that, excluding the dialects, as many as one hundred and fifty languages are spoken by the

people There is nothing strange or surprising in it Several factors are responsible for this phenomenon The various invaders who came and settled in India brought their own languages with them. New and mixed languages have come into existence in consequence Language also has the knack of changing with distance. The principal spoken languages are Hindi, Urdu, Bengali, Behari, Marathi, Gujarati, Rajasthani, Punjabi, Tamil, Telugu, Kanarese, and Malayalam. These can be grouped under two main heads: Indo-Aryan and Dravidian Hindi, Bengali, Oriya, Marathi, Gujarati, Rajasthani, and Punjabi are Indo-Aryan, while Tamil, Telugu, Kanarese and Malayalam are Dravidian Mention may also be made of Pashto spoken in the North-Western Frontier Province, and of Sindhi spoken in Sindh. These belong to the Iranian branch of the Aryan group English is the court language and is used only by the highly educated class It is not the language of the masses Of all these languages Hindi is the most important, being spoken and understood by the largest number. It is the language of the United Provinces, Central India, Central Provinces, the Punjab and parts of Rajputana It stands the best chance of becoming the *lingua franca* for the whole country. Unfortunately the problem of a common language for the country as a whole has become involved in the communal problem. The Muslim League presses the claims of Urdu, and the Hindu Sabha supports those of Hindi The Indian National Congress has suggested a compromise in the form of Hindustani Nationalists are now generally agreed that Hindustani without any preponderance of either Sanskrit or Persian words should be made the *lingua franca*. There, however, remains the problem of script. Hindi is written in Deva Nagri script, and Urdu in Persian script A compromise between the two like that of Hindustani between the rival claims of Hindi and Urdu is not possible Judged on their merits, the claims of the Nagri script are superior to those of the Persian It is common to several Indian languages—to Hindi, Bengali, Marathi, and Gujarati It is highly phonetic and can be easily learnt The Persian script is very uncommon and is difficult to learn When once the passions roused by communal jealousy and bitterness subside and our countrymen sit down coolly and

calmly to devise their own constitution, the controversy over language and script is bound to be settled to the satisfaction of all

One or two things deserve notice about the distribution of languages. The present political and administrative divisions of India do not follow linguistic lines. In the Bombay Presidency three, and in the Madras Presidency four different languages are spoken. Similarly, at least two languages are used by the people of the Central Provinces. This fact becomes significant in connection with the demand for a redistribution of provinces on linguistic lines. In the second place, though communal-minded people link Hindi with Hinduism and Urdu with Islam, there is no connection between the religion a man professes and the language he employs to communicate with his neighbours. The Bengali Muslim speaks the same Bengali which his Hindu neighbour speaks even though it is derived from Sanskrit. Similarly, the Muslims of Madras Presidency employ the language used by their Hindu neighbours. The same is true of the Hindus in the North-West Frontier Province and Sindh. Racially also the Bengali Muslim has more in common with the Bengali Hindu than with the Punjabee Muslim whose language he does not understand and whose customs and traditions are different from his own. In appearance, dress, language, manners, customs and diet, the Muslims of Bengal constitute a type distinct from the Muslims of Madras, and these in turn, are different from those of the Punjab, and so on. From this point of view it is not so correct to speak of the people of India in terms of Hindus, Muslims, Sikhs, Parsees, Christians, etc., as to talk of them as Bengalees, Punjabees, Tamils, Maharashtrians, Gujaratis etc. The contention of Sir Harcourt Butler, an ex-governor of U P, that 'the main lines of cleavage in Modern India are not so much racial or linguistic as religious'* does not seem to be sound. It is a case of wish being father to the thought.

The Fundamental Unity of India.—The almost continental size of India, the great diversity of her racial stock, the religious and linguistic differences which divide her people, the great variety of customs prevailing in the different parts of the country, have led

many foreign critics of our aspirations for national freedom to deny that India is one country and one nation. They describe it as a 'collection of countries', as a 'continent made up of many small countries'. Sir John Strachey once declared that 'there is not and never was an India or even any country of India possessing according to European ideas, any sort of unity, physical and political'. At the present time we have men even in our own ranks who emphatically assert that the Mohammedans constitute one nation, and the Hindus another, and that, therefore, India is not *one* country and *one* nation. But for their deep political significance and effect on the political future of the country, and the influence on the minds of the masses as exercised by propaganda in that direction, such declarations could have been dismissed as the ravings of a maniac. The question has, however, become a live issue, and must be studied calmly and dispassionately.

It has to be admitted that India lacks unity of race. Her people have sprung up from several racial stocks, the prominent among which are the Aryan, the Dravidian, and the Mongolian. She also lacks unity of religion. As has been already observed, almost all the great religions of the world have their adherents in our country. There are also numerous languages spoken in the country and the number of dialects easily runs into hundreds. She contains types as different as the Punjabee and the Bengalee, the Rajput and the Madiasee. She is also ridden by customs which are not alike in any two provinces. To one highly impressed by this seething diversity, all talk of the unity of India might well seem to be pure and simple nonsense. Our contention, however, is that this diversity is not at all incompatible with the unity of the country which is real, in spite of whatever may appear to the contrary on the surface.

The unity of a people generally proceeds from different sources which are often found combined together in nations counted as the most stable in the world. The most important of these sources are geographical, historical and cultural, and *not* racial, religious and linguistic. There are several instances of countries having attained national unity in spite of racial, religious and linguistic differences. Take the case of Great Britain herself. Her people are Kelts, Saxons,

Danes, and Normans Their ancestors fought and killed each other for centuries England and Scotland were bitter enemies and 'a deep river of blood divided them more than the river Tweed'. But to-day they stand united under a common sovereign after hundreds of years of warfare Though Bruce and Wallace fought valiantly against the English, the latter are as proud of them to-day as the Scots are Before the bitterness between the Roman Catholics' and the Lutherans in Germany the strife between the Hindus and the Mohammedans in India pales into insignificance, nevertheless, all the Germans, Catholics and Lutherans, have been welded together into a strong nation by the sentiment of nationalism Switzerland affords the classical example of a people torn asunder by racial, religious and even linguistic differences, and yet becoming a strong and united nation The United States of America gives us another notable illustration of the fact that unity of race and of religion is not essential to constitute a people into a nation Unity of race depends upon its *purity*, and sociologists inform us that purity of race is a myth in the world of to-day Religion also has ceased to be a factor of importance in the social and political life of civilized world at this time of the day,—thanks to the spirit of religious tolerance What has been possible in England, Germany, Switzerland, the United States of America and Canada cannot be declared impossible in the case of India Indian unity cannot be ruled out as mere moonshine simply because her population is drawn from different races, it speaks different languages and professes different religions On the other hand, she possesses in an abundant measure the geographical, historical and cultural sources of unity

India is one of the neatest geographical units in the world. Her natural boundaries—the loftiest mountains and densest jungles on the north, the north-east, and the north-west, and the deep sea on the east and the west—mark her off from the rest of Asia in an unmistakable manner Within this compact area there are no impassable mountains or deep rivers cutting off communications between the different parts of the country like the Himalayas which do present an insurmountable barrier to all intercourse between her and Tibet or China There can be no rigid provincialisation either, because of the presence of easy means of

communication and the absence of unsurpassable natural barriers in view of what has been stated earlier† this point need not be stressed further. That nature has designed India to be one and an indivisible whole is an obvious truth. One or two consequences of this geographical unity may, however, be pointed out. It is chiefly responsible for the important historical fact that all her great rulers from the ancient to the modern times have tried to establish their sway over the whole of the country. In olden days the Chakravarti Rajas realised the political unity of India. The empires established by the Mauryas and the Guptas, by the Pathan Kings and the Moghul Emperors, and now by British imperialism tell the same tale. No great king or emperor ever treated any portion of India as a separate and independent country lying beyond his ambitions. There can be no such independent states in India as there have been and are in Europe. The geography of Europe makes her into a continent, that of India impresses upon her an undeniable historical and political unity, notwithstanding the fact that at times independent kingdoms have flourished within her borders.

Economic unity is another implication of the geographical unity of the country. It has been a very easy task for the British Government to link up one part of India with the other by railway, telephone, telegraph and all-weather motorable roads. She cannot be linked up with Burma, China, Tibet and other neighbouring countries with the same ease. In most cases natural obstacles are insurmountable. This fact and her undented coast-line make one tariff and exchange policy for the whole country indispensable. From the industrial point of view some provinces supply the deficiencies of other parts, so that she can become as self-sufficient economically as the United States of America.

Closely connected with the geographical and historical unity of India is her cultural unity. Indeed so fundamental is the unity of culture that according to O Malley India is the name of a culture and not of a race or a people*. Whatever the differences that

† See supra, page 3

* 'What Socrates said of Greece might be said of India, viz, that it is the name of a culture, not of a race.' *Modern India and the West* page 3

distinguish a Bengalee from a Madrasee, or a Marahatta from a Punjabee or a Sindhī, and a Muslim from a Hindu, all Indians exhibit a pervading community of life and type. This had been admitted by the great anthropologist, Sir Herbert Risley, who held that 'beneath the manifold diversity of physical and social types, languages, customs and religions which strikes the observer in India there can still be discerned a certain underlying unity of life from the Himalayas to Cape Comorin'. There is more in common between a Bengalee, a Madrasee, a Marahatta, a Punjabee, and a gentleman from the United Provinces than between any one of them and, say, a Chinese from China, or a Jap from Japan, or a Pathan from Afghanistan. All the races that inhabit the area between the sapphire seas and the snow-clad Himalayas stand out sharply defined against the Mongolians of the North-East, and the Semites of the North-West. There is an Indian character which has stamped itself upon all who have made India their home, whatever might be the land from which they came. This general Indian character is a highly complex thing to which several factors have contributed. The most dominant of them are the Aryan ideals and concepts, from which our current cultural values have been derived. Hindus and Muslims, Christians and Parsis, Aryans and Dravidians, Mongolians and Scythians at present living in India show the same family affection, the same devotion of the son to the parents, the same high regard for womanhood and motherhood, a certain degree of comprehensive emotional development, and above all, the self-same admission that life is an ethical struggle between inclination and conscience in which the former should be subordinated to the latter. This is the reason why our people exalt moral obligation above contractual liability. They do not seek to get out of difficult situations on legalistic and technical grounds if they feel bound to act in certain ways on ethical considerations. They also prize sincerity and simplicity in personal life. They love and revere Mahatma Gandhi, not so much for his political doctrines, as for his sincerity and simplicity. Lord Irwin was liked by them more than many other Viceroy's who tried to impress them with pomp and show, because he was able to convince them of his sincerity. The late lamented C. F. Andrews

who was affectionately called *Dinabandhū* by the people evoked the warmest response from Indian hearts because of his transparent sincerity and simplicity

It is not out of place to state here that the present Indian culture, some values of which have been described above, should not be regarded as Hindu. Its foundations are certainly Hindu, but as it stands to-day, it is a product of the fusion of three great cultures, the Hindu, the Muslim, and the Western. The culture to which Hinduism gave birth during the centuries of its hey-day was very much influenced by the culture which the Muslims brought with them. It would have been contrary to all sociological laws for the Hindus and the Muslims to have lived side by side, without contributing anything to the native cultures of each other. The liberalising influence of the strict monotheism of Islam and its doctrine of brotherhood of man is manifest in the rise of saints like Dadu, Nanak, Kabir and others. Akbar, Jehangir and Shahjahan are probably the greatest products of the synthesis of Hindu and Muslim cultures. During the last two hundred years contact with the dynamic culture of the West has been responsible for giving it a new trend. There has been a religious and cultural renaissance which finds its best expression in the teachings of Gandhi and Tagore. The common culture which unites all India has had a remarkable continuity during the preceding several centuries and is mighty, rich and varied.

From the foregoing discussion it is clear that India is one country, and Indians constitute a nation in the ordinary accepted meaning of the term. The two-nation theory advanced by some politicians is inconsistent with facts, mischievous in intention and harmful in practice. The sooner it is laid to rest the better for all concerned.

It must, however, be admitted that the sentiment of nationalism is not so strong and powerful in India as it is in the western countries. It is of recent growth—not even three quarters of a century old. It may be said to have made its appearance with the birth of the Indian National Congress. There are several obstacles retarding its progress. One of them is the political ignorance of the masses which has been but partially removed by the several national move-

ments led and launched by the Indian National Congress for the emancipation of the country. Another is to be found in the policy of divide and rule followed by the foreign imperialistic rulers. The Hindu-Moslem tension of which so much capital is made by the enemies of Indian freedom is the result of this policy of *divid et impera*. It is not religious in nature at all, it is more political than social or economic. Into its causes we shall go in another connection.*

The fact that all sections of the population are unanimous in their demand for the establishment of responsible government in the country possesses great significance for our present purpose. It is common political aspirations, common sufferings and common achievements which weld a group of people into a nation. It is gratifying and heartening to note that members of all communities are fighting shoulder to shoulder in the struggle for national freedom. Patriotism and the capacity for sacrifice are not the monopoly of any one community, they are found in all. The clouds of mistrust that have lately gathered on the political horizon will soon melt away, and the sun of freedom will soon dawn and radiate light and warmth all around.

* See below Chapter VI Communalism in Indian Politics

Chapter II

SOCIAL LIFE IN INDIA

General Characteristics.— Having discussed the background as it affects life in India, we now proceed to examine its social aspect, and shall make its economic, religious and political aspects the topics of the succeeding chapters

The fundamental unity of type that we found to exist beneath the apparent diversity of race, religion and language in India has its parallel in the unity of life underlying the great heterogeneity of customs, manners, traditions etc., which characterises her social life. And just as interested observers fail to notice, or at least to emphasise the underlying unity and observe only the racial and other differences, similarly they are struck by the obvious exclusiveness and motley character of our social life and do not see the deeper current of unity and uniformity that runs underneath it. As an illustration of the first point of view we may cite the following observations of Lord Dufferin, an ex-Governor-General of India. 'Perhaps the most patent characteristic of our Indian cosmos is its division into two mighty political communities as distant from each other as the poles asunder in their religious faiths their historical antecedents, their social organization, and their natural aptitudes, on the one hand, the Hindus with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their celebrated caste distinctions, and their habit of submission to successive conquerors, on the other hand, the Mohammedans with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality, and their remembrance of the days, when enthroned at Delhi, they reigned supreme from the Himalayas to the Cape Comorin.' It is not our business here to subject this passage to a critical examination and separate the little truth it contains from the gross exaggeration and distortion of facts which disfigure it. It appears that such assertions are made with the ulterior object of magnifying the points of difference between the two sister communities of India and thereby making their union difficult. All we are interested in remarking here is that the picture drawn by the ex-Governor-General is belied by the relations existing between the

Hindus and the Mohammedans in the lakhs of villages in which real India is to be found. There we find no such sharp contrast between the Hindus and the Mohammedans as is depicted by Lord Dufferin. Indeed, it is impossible that it should exist, it would be contrary to all sociological laws. It is rendered improbable by the fact that a large majority of the Indian Muslims are the descendants of Hindu converts to Islam who still retain something of Hindu ideas, customs and manners. Change of label would not bring about a change of character and sentiment. In spite of some points of difference in their religious faith and social life, the Hindus, the Mohammedans and other communities do show similarities in fundamental respects.

One such fundamental similarity lies in the dominant role assigned to religion in our general scheme of life. We in India take religion more seriously than the Westerners do, we do not confine it to some particular aspect or department of life, and do not observe any particular day as the Lord's day as is the custom in the West. Religion guides the whole of our life from the cradle to the grave and influences our daily routine from morning till night. Every Hindu is expected to perform the sixteen *sanskars* in his lifetime, the more important of which are the *ann prasan*, *vidya arambh*, *mundan*, *yagyopavit* and *panigrahan* *sanskars*. The daily *yamas* and *niyamas* are also religiously ordained. Salutation to the parents, morning bath, prayers, etc., are counted among the duties enjoined by religion. Nay, even our diet and dress and habits and manners have a religious tinge. This is due to the fact that the various social institutions which regulate our life have a religious basis. Hinduism and Islam are socio-religious systems. Their cardinal institutions are consecrated by association with religion. The best proof of the assertion that the Indian outlook on life is pervaded by the religious spirit is afforded by the fact that we have introduced religious and ethical ideas even into the sphere of politics. With Mahatma Gandhi India believes that bad politics cannot be good religion. This is one reason why the Britisher who takes a secular view of life and the world has generally failed to understand and appreciate Mahatma Gandhi and India.

The vital role of religion in the Indian scheme of life is indicated by the following facts also. There has hardly been any time in Indian history when religious movements in one form or another have not taken place. The greatest genius of the Hindu leaders has generally developed in connection with religion. The way for the Indian renaissance was prepared by the religious reform movements of the last century^{*}. The different social problems which have engaged the attention of the social and religious reformers of our country have been discussed in the context of a religious background. It is very usual to find the supporters and opponents of social reform measures like the removal of early marriage, enforced widowhood and untouchability, going to the sacred books for finding support and sanction for their respective points of view. Even Mahatma Gandhi had to engage himself in this manner with the Pundits on the issue of untouchability.

That the people of India should take religion seriously should cause no surprise to any one. This is the natural corollary of the fact that from times immemorial the Indian nation has pursued the spiritual ideal. Whereas ancient Greece struck the note of intellectual greatness and that way contributed a priceless treasure to the literature of the world, whereas ancient Rome struck the note of civic greatness and placed before the world the ideal of devotion to the State, ancient India devoted herself to the pursuit of the spiritual ideal and contributed a spiritual philosophy to the service of humanity. It is because of this spiritual view of life which we have received as an inheritance that it is possible for us to be religious even under the present degenerate conditions.

The virtues of reverence to parents, teachers and elders, courtesy and regard for others, hospitality and charity which have come to be intimately associated with Indian character are implied in a spiritual or religious view of life. We meet with these traits in all the sections of the Indian nation. One may expect the same hospitality and observe the same disposition to charity wherever one goes from the Himalayas to Kanya Kumari, and from the Brahmaputra to the Indus.

^{*}See entry Chapter IV

Another consequence of the spiritual view of life on which we have laid so much stress may also be noted. This leads us to judge the worth of an individual, not on the basis of his material possession but on that of his character. It is not the man of wealth who is esteemed but the man of virtue. The highest class among the Hindus is the Brahman class which pursues knowledge and truth and not riches. Similarly the Muslims attach greater value to character than to worldly prosperity. The Sufis among them are very highly esteemed. We recognize and appreciate character and worth wherever they exist; a foreigner would command our reverence as much as a countryman of ours, if he possesses merit. The affection and esteem in which the late Deenbandhu Andrews was held by the people illustrates the point.

It has regretfully to be admitted that to-day under the stress of adverse circumstances and largely as a result of foreign rule the spiritual view of life is being driven out by a materialistic outlook. The extinction of the religious view would mean the death of Indian civilization and culture. If India lives to-day and is not counted a dead nation along with ancient Greece, Syria and Egypt, it is because the destruction of her body politic by successive invasions in the past did not bring about the disappearance of her spiritual ideal. But to-day our culture is at its lowest ebb, and if we do not take steps to stem the onslaught of western materialism, our ancient civilization will go the way of others and soon become a thing of the past.

There may, however, be persons who see little good in making religion the basis from which to view life and conduct. They are of the opinion that being the private concern of an individual and a matter between him and his God, religion should not be allowed to influence his social, economic and political life. To let religion invade politics and social relationship is to throw an apple of discord in society and drive it asunder into hostile camps. In support of their contention they refer to the unseemly and undignified quarrels between the Hindus and the Mohammedans in India. According to them religion is the bane of Indian social and political life. It is because the social institutions and rules which determine our life and conduct have a religious

sanction that our social life has become highly *exclusive*. The Hindu does not dine or marry with the Muslim, the customs and manners of the former are different from those of the latter, those of the Parsees are different from those of the Sikhs etc. The result is that the various communities have their separate festivals. The Hindus celebrate Dusheera, Deepavali, Janamashtmi, Holi and other festivals, the Muslims have their Id, Muharram, etc., and the Christians their Christmas etc. Not only are their festivals different, but the modes of celebrating them are also fundamentally dissimilar. The Hindus celebrate their festivals in a more individualistic fashion than the Muslims or the Christians do. What is worse is the fact that on account of communal tension the members of one community do not participate in the festivals of other communities. Now-a-days we find very few Muslims playing Holi, and few Hindus joining Muharram processions. There is no national festival which all Indians may celebrate and enjoy in common. The introduction of religion in Politics has been responsible for one of the worst features of our political life, namely, communal electorates. There is the demand for communal representation in government services and even in educational institutions, and now for Pakistan.

All this is true. Our social life is characterised by a degree of exclusiveness not found elsewhere. We lack that homogeneity of social life which one notices in countries like France, England and Germany. And it has to be admitted that it is largely due to the emphasis we lay on the role of religion in life. But it is permissible to remark that all these evil consequences are not due to the religious spirit but to the fact that we have come to attach more value to the forms than to the substance of religion. If by religion we mean an inner spirit that guides life and makes for righteousness, and not merely external observance of certain practices it lays down, it is impossible that it should ever promote discord and give rise to exclusiveness. It is not to the prevalence of the religious spirit but to mistaken notions about what religion is, that the ill we are suffering from should be ascribed. What the world needs today is the spiritualisation of our social and political life. This is the message of Mahatma Gandhi to mankind at

large According to him politics bereft of moral and spiritual considerations kills national life. Hence his insistence on the employment of honest and truthful means for the attainment of Swaraj

Before passing on to an examination of the social institutions which mould and regulate social life in our country, it is necessary to call attention to another important feature of it *The Indian society is not so much a synthesis of individuals as of groups.* The individual plays his part in society not as an isolated unit but as a member of a family, caste and village. In the past he scarcely existed except as a member of one or other of these groups, his development was conditioned by the demands which they made on him in the name of social solidarity. This feature is fast on the decline today, it is incompatible with the principles on which the British system of administration is based

The caste system, untouchability, family, marriage, purdah and religious fairs are the chief institutions which deserve a careful study as important determinants of our social life. A brief account of each is subjoined

THE CASTE SYSTEM

The caste system is one of the most important and distinguishing features of our social organization O'Malley calls it 'the steel frame' of our social structure Though mainly associated with the Hindu social system, it may be ranked as Indian because some sort of caste distinctions are to be found among the Muslims and the Christians also The converts to these faiths from Hinduism carried caste differentiations with them into their new folds We may begin our study of this institution with a definition

Definition and Nature of Caste.—Sir Edward Blunt defines a caste as 'an endogamous group, or collection of endogamous groups, bearing a common name, membership of which is hereditary, arising from birth alone, imposing upon its members certain restrictions in the matter of social intercourse, either (i) following a common traditional occupation, or (ii) claiming a common origin, or (iii) both following such occupation and claiming such origin; and generally regarded as forming a

single homogeneous community.' This definition which is substantially identical with the one given in the Imperial Gazetteer of India admirably describes the main features of the caste system: as it is operative in our country at the present time, and the important role it plays in the life of an individual. In the first place, it says that a caste is a group of people membership of which is determined by *birth alone*. This means that the modern castes are *hereditary* in character. A person does not choose his caste; he is born in it, he cannot change it. This makes the system rigid and prevents the transfer of members from one group to another which sometimes may be very necessary and desirable in the interest of social progress and social justice. It should be remembered that although caste and birth have been intimately associated with each other from very old times, the system was not so rigid in its early stage as it has become to-day. In the distant past caste was based on qualities and character and not on the accident of birth alone. The Brahman was distinguished from other castes by the predominance of *satoguna*, the Kshatriya by that of *rajoguna*, and the Sudra by the display of *tamoguna*. The present system thus involves a departure from the ancient ideal in a fundamental respect. Many of the evils and abuses which have crept into it can be traced to this vital point of difference.

In the second place, according to this definition a caste is a group following a common traditional occupation. This aspect was prominent about half a century ago, it is less universal today. We find members of one and the same caste following different occupations, e.g., some Brahmans are priests, some astrologers, some are landlords, while others have taken to government service or follow the various learned professions. Even those who belong to the professional or occupational castes like the barber, the washerman, the weaver, the potter and the cowherd no longer follow the hereditary vocations. Several of them drift into other ones. This is the effect of the new economic forces working in the country. But some time back caste and occupation were very intimately connected as this definition states. One very important implication of this aspect must be understood. It means that

there must be *numerous* castes, more numerous than the professions themselves since some of the castes are sectarian in character. This again involves a departure from the ancient ideal which postulates only four *varnas*, or castes, the Brahman, the Kshatriya, the Vaishya, and the Sudra class. To-day there are about three thousand castes and sub-castes. The division of society into four chief classes, each characterised by certain qualities, and each discharging certain necessary functions, is right and natural, its division into numerous water-tight groups without any natural lines of distinction between them is wrong and unnatural. The distinction between Khattis and Banias and Kayasthas, that between Jats and Gujars and Tyagis, and the one between Kolis and Domes etc., have no basis in reason and are unintelligible. It is also irrational to erect every profession into a caste, and rank blacksmiths, goldsmiths, carpenters, barbers, butchers as distinct castes. The absence of Hindu solidarity seems to be the consequence of this excessive fragmentation which is not at all implied in the ancient practice. How the numerous castes and sub-castes arose is very difficult to explain.

In the third place, the definition of caste as given by Sir Edward Blunt states that every caste is an *endogamous* group. It means that a member of a given caste may not marry outside that caste; a Vaishya must marry a Vaishya, a Brahman a Brahman, and a Kayastha a Kayastha, and so on. The system thus prohibits inter-caste marriages. This rule is enforced with great rigour, even at the present time inter-caste marriages are few and far between.

In the fourth place, it may be stated that a caste forms a single homogeneous community. It means that the members of one caste resemble one another more than any one of them would resemble the members of another caste. A Vaishya would have more affinity with another Vaishya than with a Brahman. This homogeneity results from the prevalence of more or less the same general standard among all the members of the caste and the fact that they are subject to the same rules, customs and code.

Finally, a caste imposes upon its members certain restrictions in the matter of social intercourse. It restricts the field of choice

in marriage and determines how its members shall dress themselves, what they shall eat and what not, and other details of life

There are a few other features of the system which deserve notice but which are not implied in the definition given above. Each caste considered in itself is a democratic organization. It is a brotherhood, all of whose members are *equal* in spite of their varying fortunes. This spirit of equality and brotherhood has been obscured a little in the higher sections of the Hindu society on account of the progress of individualism and the disturbing influence of foreign rule, it, however, persists in the lower strata where the caste punchayats treat all members as equal. One manifestation of this spirit of equality is the fact that all members are invited to the marriage feast and on other occasions. Within every caste there prevails the spirit of mutual sympathy and helpfulness and co-operation. On occasions of marriage, etc., the members of the *biradari* render all sort of help to the individual concerned. Widows and orphans and other destitute members often receive support from the community. In some instances the caste sabha offers scholarships, etc., to deserving students of the community. In this way the caste does for its members what society or state is expected to do in western countries.

In describing the main features of the caste system as it is found to-day, some important points in which it differs from the ancient practice have been stated. It was pointed out that originally there were only four castes, namely the class of Brahmins devoted to the pursuit of learning, the class of Kshatriyas whose duty was to protect the society from external aggression, the class of Vaishyas who pursued economic activities and produced wealth, and the class of Sudras whose main function was to render menial service to the three higher classes. These castes correspond to the intellectual, warrior, and economic classes and the slaves or domestic servants found in every society. But to-day we see the Hindu society broken up into hundreds of small sections. The four original castes were distinguished by certain qualities of character. At the present time caste stands entirely

dissociated from qualities. To these vital points of difference may be added another. Originally, caste defined a man's duties and obligations, it conferred no privileges. It was the duty or *dharma* of the Brahmins to pursue learning. They were forbidden to acquire wealth or seek political power, for these were the *dharma* of the Vaishyas and the Kshatriyas respectively. Thus was the life of poverty and self-denial which cut them off from enjoyment of life and its luxuries. The duties of the other classes were similarly defined. As long as each caste stuck to its *dharma* and discharged its duties, all went well and society prospered. But when the Brahmin forgot his true function and began to seek political power and material happiness, and the Kshatriya gave up his function and took to the work of teaching, and the Vaishya wanted to do the work of the Brahmin, decline began. The evils we notice in the Hindu community at the present time are not the result of the caste system but the consequences of its perverted form. The outer form of the system has remained ; its inner spirit has fled.

Another perversion may also be noted. In the ancient time the caste system was intimately connected with another institution, namely the *ashram dharma*, which has become extinct to-day. What the ancients had was *varnashram* and not merely the four varnas or castes. Caste was operative at only one of the four stages into which life was divided. It was only the *grihasthi* or householder who observed caste regulations. The *brahmachari*, the *vanprasthi* and the *sanyasi* had no castes. To-day caste regulates life from birth till death, it determines a man's diet, his associates, his matrimonial alliance, his vocation, his environments etc. If the system has lost its utility and become a cancerous growth in our social body, the phenomenon must be ascribed to the above-stated transformations it has undergone throughout its long career.

The Merits of the System.— It has become a fashion to revile and condemn the caste system and ascribe to it all the numerous evils from which the Indian nation is suffering. Had it been such a bad thing, it could not have survived for centuries and outlived the several attacks made on it from time to time. It has exhibited a wonderful vitality ; it has entered and affected communities

among which it did not exist. It must have something to recommend it, else we cannot explain these phenomena.

The Aryans when they entered India from the north-west came into conflict with the inhabitants of the country whom they subjugated. Rather than adopt the method of exterminating the conquered inferior race—the method adopted by the white races of Europe in their dealings with the dark races of Africa and Australia to-day—our ancestors chose another way of solving the racial problem. They converted the conquered non-Aryan races into the Sudra class and assigned menial duties to them. The distinction between the three higher castes on one side and the Sudra on the other is thus probably ethnic in origin. Other racial groups which came into this country at later stages were made into separate castes. The Rajbansis and the Chandals of Bengal, the Jats and the Meos of the Punjab and Rajputana, the Bundelas of U. P., the Mahars of Bombay, and the Nayers of Madras, to name only a few of them, are among the racial castes of India. We may thus hold that the caste system was developed in this country as a solution of the racial problem which our ancestors had to face. It may be asserted that this solution is far superior to any other adopted by other peoples in different countries.*

The distinction between the Brahman, the Kshatriya, and the Vaishya classes had probably a different origin and served a different purpose. It was probably based on division of labour, which makes for economic efficiency. Nothing seems to be more natural than to have one class devoted to the consecration of the ancient ideals and the maintenance of the ancient ritual as well as to the pursuit of truth about the supreme reality and its propagation, another class charged with the function of defending the community and entrusted with the duty of rulership, a third class engaged in the work of producing and distributing wealth, and lastly, the class of menial servants. Such a division of work necessarily leads to an efficient organization of society. It is perhaps due to the operation of this principle that the diverse professional castes came

* At its best the device was a remarkably successful attempt to organise within the society people of different races in different cultural levels, and it achieved the important result of preventing the country from splitting up into warring racial tribes. *Panath, India—Page 17*

into existence. Even if this account of the origin of the caste system is not accepted, it remains true that the system does make for proficiency in the economic sphere. If a certain occupation becomes hereditary in a certain caste or family, the sons acquire a good deal of skill and dexterity under the congenial home atmosphere and the loving care of the father, and with minimum effort. This is the reason why the followers of several ancient occupations show an amazing skill. The fame enjoyed by the products of Indian craftsmen for centuries in Europe was to a great extent due to the operation of the caste system. It is hardly necessary to labour this point further.

The caste system has been a great stabilising factor in our society. It has kept our people content with their hereditary vocations and saved them from much worry about the choice of a profession. The evils arising from free competition which have become such a glaring feature of the western economic system and which have given rise to socialism and communism were unknown to us in India till recently. This is not an insignificant blessing that the system has given to the Indian people.

It is also highly likely that it was the caste system which enabled the Hindu society to resist the onslaught of Islam and save itself from being submerged. It gave the Hindus an organization which prevented wholesale conversions to Islam. The people of Persia, Afghanistan, Egypt, Syria and other countries, swept away by the rising tide of Islam, did not possess any similar defensive and protective institution. This phenomenon may be observed even to-day. Whereas individuals belonging to different castes might go over to other faiths without any difficulty, any contemplated conversion of a *whole* caste rouses antagonistic forces and becomes almost an impossibility. The Hindus owe a lot to this much-abused and reviled institution. The critics also forget that the system encourages mutual help and fosters the spirit of equality within the group†.

Evils of the Caste System.—The great services rendered by the institution of caste to the Hindu society are, however, foiled by equally or perhaps more serious evils which have flown from

it. One of the greatest injuries it has inflicted upon us is the destruction of our national solidarity. It has engendered and fostered social and political disunity and has thereby made the Hindus and the Indian nation weak. It has hampered the growth of social consciousness and prevented the Hindus from developing that degree of homogeneity which characterises the Muslims as a community

The institution is also responsible for the great exclusiveness which is prominent in our social life. Members of one caste do not usually inter-marry or inter-dine with those of another. The social manners and customs of the different castes vary. The result is that to a casual observer India appears as a congeries of different nationalities and not as *one nation*. Thus the heterogeneity introduced by the caste system really conceals the deeper and underlying unity of type and culture in India.

If, on one side, the system has been a great stabilising agent, on the other side, it has acted as a serious obstacle to social progress. It makes our people conservative, averse to change, and prone to stick to the beaten track. This conservatism is specially noticeable in socio-religious matters. It is not easy for a person to re-marry his widowed daughter, or delay the marriage of his daughter till the age of puberty, against social opposition. Happily the tyranny of the system in this particular respect is on the decline. Nevertheless, it remains true that caste has been a serious obstacle in the way of social reform.

There are other ways also by which this institution has made the Hindu community weak. Hinduism is not a proselytising religion like Islam or Christianity, though its doors are open to all who seek admission into it. The caste system, however, makes it difficult for it to absorb and assimilate the converts. There is no caste to which they can be assigned, and without being assigned to some caste they cannot easily function as its members. Even the Arya Samaj which may be regarded as the militant section of Hinduism and which is certainly proselytising in nature has greatly suffered from this impediment. In the second place by restricting the field of choice within a caste or sub-caste in matrimonial matters it has adversely affected

'the virility of the nation' and also given rise to 'the' evil practice of dowry. 'If there is an excess of males over females in one caste, and an excess of females over males in another, it makes it impossible to remedy this disparity by permitting males of one caste to marry the females of the other.' It also tends to produce in the members of the higher castes a great disinclination towards manual labour and certain occupations, and prevents them from improving their economic position.

Revolt against the System.—'Most of these evils are due to the fact that the spirit which informed it in the past and made it what it was, has now disappeared. What remains at the present time is sham, and a caricature.' Little wonder then, that there is a revolt against it, specially among the educated classes who have been fed on western ideas and have imbibed the western spirit. Its hold on them is weakening as is clear from the facts cited below :—

(i) Inter-caste marriages, though still rather few are becoming more frequent than ever in the past. An association called the Jat-Pat Torak Mandal has been carrying on vigorous propaganda against the institution and has been responsible for several inter-caste marriages.

(ii) The prohibition against interdining is also being disregarded very frequently, both openly and in secrecy. Educated persons do not mind taking food with members of different castes, or food prepared or touched even by members of a lower caste. Inter-caste dinners are held on important occasions, without giving rise to any awkward situation.

(iii) Restrictions upon food, dress, travel, etc., are also being disregarded with impunity.

(iv) Occupation and caste do not go together to the extent they did about a generation or two ago. Now the son need not follow the vocation of the father, he generally seeks 'fresh fields and pastures new'.

(v) In some parts of the country the lower castes are beginning to rebel against the status of inferiority the caste system assigns to them, they aspire to be ranked among the higher castes, and to this end adopt many of their social customs, and

even new surnames in place of the old ones which they reject.

It may be observed that the system is on the decline in big cities and among the higher castes. It is still a vital force, however, in the villages and among the lower castes. The reason for this phenomenon is that the educated element in the higher classes living in cities has come under the influence of the West more than the lower classes residing in villages among whom illiteracy still prevails.

Vitality of the System.—The protest against the caste system is still weak and confined to a rather small circle. It is difficult to say what force it might gather in the future. In the past the system had shown marvellous vitality. It has survived the attacks made on it from time to time. One of the earliest attacks was that directed by Lord Buddha. At a much later date saints like Kabir and Nanak raised their voice against it. In the last century the Brahmo Samaj, the Prarthana Samaj and the Arya Samaj condemned it. The entire trend of Islam and Christianity is against it. But the caste system has continued to flourish in spite of these assaults. It has re-entered the reforming sects and has even influenced Islam and Christianity. The Hindu converts to these faiths carried their caste differentiations with them. It seems that it is deeply entrenched in the Indian character and mind; perhaps even a revolution like the French Revolution or like the recent Russian Revolution might not be able to eradicate it from the Indian soil.

Those who understand human nature will at once realise that it is not possible to destroy caste, root and branch. What is possible and what we should attempt to achieve is the *reform* of the system and not its abolition. Whatever is obnoxious to reason must be given up; whatever is in conformity with human nature has to be retained. Now human nature is such that wherever a number of human beings come to live together in groups, class distinctions are bound to appear. Such distinctions are sure to arise everywhere. Plato, one of the greatest minds the world has produced, divided his ideal society into classes which bear a close resemblance to the four castes recognised by the ancient Hindus. Let us only get rid of the excrescences which have grown

up, and retain the original four-fold castes, and base them on *guna* and *karma* and not on heredity alone as the present system does. In the next place we may ask those who advocate the abolition of the caste system as to what they propose to substitute in its place, on what other principle they would organise the new society. Unless alternative schemes of social reconstruction are placed before us, we are not in a position to accept their proposal.

Caste-Punchayats.— Before passing on to the examination of an undesirable development of the caste system called *untouchability* it is worth while to refer to one important adjunct of it, namely, the *caste punchayats*. These were the traditional means of enforcing caste discipline and securing the observance of caste rules and regulations. All offences against caste were referred to the caste council and decided by it. It could impose a fine upon the offender and even expel him from the *biradari*, it had the authority to declare a marriage null and void, or give a woman permission to re-marry. The growth of the British judicial system has given a serious blow to this once important and useful institution. The influence of western ideas has also had a dissolving effect on it. To-day the authority of the caste punchayat is seldom recognised by the educated members of the higher castes. In matters social and personal, they insist upon the right of private judgment. They openly disregard the caste rules pertaining to food, drink, occupation and social relations. But the caste punchayat is still a force among the lower classes and in rural areas.



UNTOUCHABILITY

Its nature.— The institution of untouchability for which Hinduism is justly criticised and condemned is almost as old as the caste system itself of which it may be regarded as an outgrowth. Outside the four main classes of the caste system—Brahman, Kshatriya, Vaishya, and Sudra—there are several sects, bearing different names in different parts of the country, which are collectively known as *untouchables* or *outcastes*. They include Bhangis, Chamars, Kolis and Domes in the Punjab and the United Provinces, Namasudias in Bengal, Mahals in Maharashtra,

Vokkaligas in Mysore and Tiyas in Malabar. The untouchables are sometimes called the Depressed Classes (though the latter term is really wider and includes classes which are not strictly untouchable, e g, Khatiks), and they are estimated to comprise about 20 % of the total Hindu population of India. Mahatma Gandhi prefers to designate them as *Harijans* which literally means the 'children of God'

They are called *untouchables* because their touch is considered to pollute the thing or person with which or whom they come into physical contact. A caste Hindu would not take food or water touched by a member of the untouchable class, and he himself will have to take a bath or perform some sort of purification, if he is fouled by his touch. At places in southern India untouchability passes into unapproachability. There are castes which cause atmospheric pollution even, i e, their touch pollutes the air for varying distances, and they are, for this reason, not allowed to come within a prescribed distance from where a caste Hindu may happen to be. This distance, again, is not the same for all untouchable classes, there are classes whose shadow will foul whatever it falls upon, and there are others which may not come within 60 feet of a high class Hindu. There is a class in Thiruvellur district in Madras whose members are not permitted to move about during daytime, they can leave their homes only at night. They are considered to be so degraded that, to say nothing of their touch or shadow, even the mere sight of them is considered to have the same effect. They are thus not merely untouchable or unapproachable, but *unseeable*, withal. Nothing like this is found in northern India. These phenomena are confined to parts of the southern presidency alone. In other respects also untouchability is not so rigid and strict in the northern as in the southern parts of the country, the influence of Islam has probably something to do with this difference.

Disabilities of the Untouchables.—The lot of the untouchables is very hard, they are condemned to a life of wretchedness, servitude, mental and moral degradation. From the way they behave in the presence of a person considered great by them it would appear that they have lost all sense of humanity and self-respect, and have been reduced almost to a sub-human condition.

Their miserable plight and the depth of their degradation can well be gauged from the following descriptions of their personal experiences—one by the late lamented C F Andrews and the other by Mahatma Gandhi :

(i) 'I can remember how, when I went near a poor "untouchable" woman in Malabar, who was crouching in her hut with three half-starved children by her side and with the mere skeleton of a baby in her arms, she screamed out in a terrible manner, even though I was wearing Indian home-spun clothes and could not possibly have been mistaken for an official. She was possessed with the horrible fear that she might pollute me by her presence, and that I might in return perhaps do her some bodily injury. The shock was to me so great when I saw her frightened face that it haunted me for many days' †

(ii) 'It was at Bolgarh thirty-one miles from the nearest railway station, that, whilst I was sitting and talking with Dinbandhu Andrews, a pariah with a half-bent back, wearing only a dirty loin-cloth, came crouching in front of us. He picked up a straw and put it in his mouth, and then lay flat on his face with arms outstretched. He then raised himself, folded his hands, bowed, took out the straw, arranged it in his hand, and was about to leave.' Mahatma Gandhi asked him why he had put the straw in his mouth, and the answer came that it was done to honour the Mahatma. The Mahatma hung his head in shame. 'The price of such honour seemed to be far too great to bear. My Hindu spirit was deeply wounded.' ‡

There are several customs and practices observed by the caste Hindus in their dealings with the untouchables which have reduced the latter to their present pitiable and miserable plight. We do not permit them to enter our temples, and we have made no suitable arrangements for ministering to their religious needs. We have segregated their residential quarters from our own and do not allow them to send their children to our public schools. In these and other ways they have been kept away from the civilizing influence of religion and contact with the higher classes. Matters have been made worse

† *Mahatma Gandhi's Ideas* by C. F. Andrews, page 104

‡ *Ibid*, page 170

by the practice of throwing the leavings of our plates to them and their addiction to the revolting habit of eating carrion. They are also indescribably poor. Their poverty is chiefly due to the fact that they are confined to the lowest and least remunerative professions. Illiteracy and the wide prevalence of superstitious habits are also responsible for their grinding poverty. To complete the picture of the sort of life they are compelled to live it is necessary to refer more in detail to the various disabilities from which they suffer. They may be classified under the following four heads: social, religious, economic, and political.

Social Disabilities.—The social disabilities of the untouchables are numerous and varied. Reference has already been made to some of them, e.g., to the fact that their dwelling houses are situated in areas wholly cut off from the residential quarters of the higher classes. These areas called slums are generally very dirty and insanitary, and without any adequate arrangements for the supply of water and light. The fact that their touch is considered to have a defiling effect on persons and things places on them a serious social disability whose cumulative effect is appalling. This means that they cannot draw water from the wells used by the caste Hindus, bathe in public tanks, and send their children to schools where those of the other classes go for their instruction. What this means in a country where educational facilities are few and limited can be imagined easily. It has been chiefly instrumental in keeping them illiterate and ignorant. At places in the rural areas they are not permitted the use of palanquins for carrying the bride and the bridegroom at the conclusion of the marriage ceremony, their womenfolk are not allowed to use gold and silver ornaments and their menfolk to put on clothes above the waist. They are also compelled to render forced labour or *begar* as it is

Religious Disabilities.— These include a ban on the study of the sacred books and entry into temples. They are not entitled to wear the sacred thread. What is worse, the Hindu society has made no arrangements for their religious education and deputed no preachers to look after their spiritual welfare. The sanyasi alone has visited these forlorn and forsaken children of God. In keeping them uncultured and uncivilized the religious disabilities have proved no less effective than the social segregation described above. It is difficult to find a parallel to it in any other religion. The untouchable has been denied the elementary rights of a human being.

Economic Disabilities.— Economically the untouchables are condemned to follow the least paying and the most unclean professions like scavenging and leather cleaning. In villages they constitute the landless agricultural labourers employed by the owner of the land on a meagre remuneration. They are thus at the bottom of the economic scale. The fact that they are not usually permitted to follow a better profession has added to their economic hardship.

Political Disabilities.— A person living under such serious restraints could hardly be thought worthy of participating in the political life of the community. The untouchable had no place in the village punchayat, he could hold no office in the state. The question of franchise did not exist for centuries before the introduction of representative institutions a few decades ago.

It might appear from the preceding account that the outcastes constitute the most oppressed portion of mankind and that the caste Hindu is the most cruel and heartless of all human beings. There are, however, some facts which go to mitigate to some extent the sufferings and privations of the untouchables. They also show that the caste Hindu is not so heartless a being as otherwise he might be supposed to be. If the latter did not permit the former to draw water from his well on the ground of his dirty and unclean habits, he took care to see that there was a trough filled with water from where the latter could obtain his supply of the needed liquid. If tradition kept the untouchable to unclean professions, it also gave him certain rights of which no one could

deprive him. The scavenger had his share of grain at the harvest time and all the menials were fed on festive occasions. This is not meant as a justification for the practice, but is intended merely to show that in return for the services he rendered to the community, the untouchable was given certain rights by it. It may also be pointed out that there are certain ceremonies more or less of a religious nature which cannot be performed unless a member of a low caste, sometimes even an untouchable, executes certain specific functions without which the ceremony remains incomplete or cannot even begin. For example, in parts of South India the dead body of a caste Hindu cannot be cremated unless wood cut by a low caste man is available, offerings to certain deities cannot begin unless an untouchable makes his offering first.†

It saw nothing wrong in perpetually condemning a section of Indian humanity to a life of wretchedness and degradation. It held such a life to be a just punishment for the sins committed in the previous incarnation. The untouchable himself acquiesced in a treatment meted out to him as though he deserved nothing better and therefore what he got was his due. But all this has changed now. The Hindu community is out to make amends for its past misdeeds and the untouchable is struggling to improve his lot and status.

It must nevertheless be admitted that the stimulus for the uplift of these suppressed classes first came from the Christian missionaries who laboured hard among them and converted them in thousands to their faith. These converts gave up their old dirty habits, acquired a new dignity and became honest and good members of the Christian society. This roused the thinking portion of the Hindu community from their slumber and awakened them to a sense of duty towards their sunken co-religionists. The Aiyā Samaj took up the work of uplift, and began to admit them to its membership after making them go through a ceremony of formal purification. The Brahmo Samaj also did much towards improving their lot in Bengal. Many enlightened Hindu philanthropists established Depressed Class Missions with a view to their economic uplift and educational advancement. This changed attitude found expression in a speech delivered by the late lamented Gopal Krishna Gokhale in 1903 at Dhairwar. Therein, he condemned the institution of untouchability and remarked, that the practice was most irrational which kept out people from our houses and shut them out from all inter-course with us as long as they remained within the pale of our religion but permitted us to shake hands with them and regard them as quite respectable as soon as they renounced our faith and put on a hat, a coat and a pair of trousers, and began to call themselves Christians. But the Hindu community in general remained obstinately indifferent to the movement for a long time. The orthodox element in it even offered active resistance to it at many places. The degree of opposition to it can be gauged from the fact that even as late as 1910 the proposal was made that the untouchables should not be classed as Hindus when the census was taken.

The situation improved a little when under the leadership of Mahatma Gandhi the Indian National Congress made the removal of untouchability an important item of its programme. He declared from many a platform that our present political degradation was a due retribution for this sin of untouchability, that it had degraded us and made us the 'pariahs' of the British Empire. He frequently gave expression to his conviction that India could not attain Swaraj until the people had removed this curse from their midst. Here are his own words 'Surely when the Hindus, by a deliberate and conscious effort, not by way of policy but of self-purification, remove the taint of 'untouchability', that act will give the nation a new strength born of consciousness of having done the right thing, and will therefore contribute to the attainment of Swaraj. We are powerless to-day because we have lost the power of cohesion. When we learn to regard these fifty millions of outcastes as our own, we shall learn the rudiments of what it is to be as one people. That one act of cleansing will probably solve also the Hindu-Muslim question. For in it, too, the corrosive poison of 'untouchability' is conscious-

people and swept and cleaned the streets, bathed their children, and demonstrated their readiness to treat them as their own kith and kin in other ways also. The campaign for the uplift of these classes and the eradication of the taint of untouchability is still going on. Several agencies are engaged in this noble task, the foremost of which is the Haijan Sevak Sangh founded by Mahatma himself. Another is the Dalit Uddhai Sabha led by some prominent Arya Samajists of the Punjab. The Servants of India Society founded by the late Gopal Krishna Gokhale, the Servants of the People Society founded by the late L. Lajpat Rai and several Depressed Class Missions are also carrying on the work. Even more important than this is the fact that there is an awakening among the untouchables themselves and they are trying to ameliorate their lot. In Madras the Congress ministry headed by Sri Rajagopalachari passed a comprehensive bill entitled the Civil Disabilities Removal Act, and another act called the Malabar Temple Entry Act. The movement has certainly reached a stage where the State can step in and abolish this evil by an Act of legislation. This is the one effective way of silencing the opposition that still exists in the most orthodox circles.

Although much is being done to convert the Hindu public opinion to accord these people a status of equality and abolish the serious social and other disabilities under which they live, e.g., throwing open the temples, public wells and schools to them, the establishment of new schools and the digging of new wells for their use, and admission to public meetings and places on terms of equality, and although a spirit of goodwill and fellowship towards them has been created, the success achieved has been small and a great deal more remains to be done. Very hard work and strenuous efforts have to be put in before the goal can be reached. One of the obstacles is thrown by the outcastes themselves. They show no readiness to give up their dirty and unclean habits like carrion eating and the acceptance of the leavings from plates. They also show no signs of abolishing the distinctions of high and low which exist among them. They are divided into numerous groups which observe rules of untouchability even among themselves.

In the speech delivered at Ahmedabad in April 1921 before a mixed audience already referred to, Mahatmaji addressing the untouchables uttered the following words: 'In order to emancipate yourselves, you shall have to purify yourselves. You shall have to get rid of evil habits like drinking . . . You should be self-reliant. . . You should now cease to accept leavings from plates however clean they may be represented to be. Receive grain only good, sound grain, not rotten grain, and that too only if it is courteously offered. If you are able to do all I have asked you to do, you will secure your emancipation, not in four or five months, but in so many days.'

To set an example to the Hindu society Mahatmaji adopted a Harijan girl as his daughter and brought her up as a member of his family. She went with him to the homes of caste Hindus and was cordially received. Later on he gave her away in marriage to a caste Hindu. He asked the Hindus to take Harijan boys and girls into their families and bring them up with their own children. The next best thing would be to employ them for domestic work. These are the surest ways to make an end of this pernicious institution.

sanction money for improving the localities inhabited by the outcastes and making them more hygienic. Public wells should be thrown open to them and new wells dug in their *bastis*. Their children should be admitted into the public schools, and night schools for the education of adults should be started. Scholarships and freeships should be provided for Harijan boys and girls. In this connection it may be noticed that some provincial governments adopted special measures for giving impetus to education among the depressed classes. For example in our province the Education Minister under the dyarchical system of government appointed a special officer of the rank of an Inspector of Schools to organise their education, and announced a number of scholarships for them. Provision was also made for admitting depressed class candidates to training colleges and for their appointment to government posts.

In their conferences the depressed classes demand an adequate share in government services, exemption from competitive tests, separate electorates etc. It is certainly desirable and necessary, that certain careers, so far closed to them, should be thrown open to the depressed classes, e.g., the police and the military service. Special facilities should also be provided for their appointment to posts for which they show fitness. But it is doubtful if the creation of separate electorates for them would be beneficial. It would only widen the gulf between them and the caste Hindus and make the untouchables or depressed classes one more 'political minority' whose fancied rights might be used as a pretext for withholding the transfer of power to the people by the foreign ruling authority. Joint electorates with reservation of seats as provided for under the Poona Pact would create opportunities for bringing the caste Hindus and depressed classes together and promote unanimity among them. The establishment of separate electorates would spell disaster to the depressed classes and the Hindus alike.

JOINT FAMILY

Its Nature — The Joint Family system is another characteristic Indian social institution which has exercised a profound influence on the development of Indian character and mode of life. Like the

caste system it also, in the main, is a Hindu institution, though the practice is not unknown among other religious communities living in the country. Under it the son does not set up for himself a separate household after marriage as is the practice in western countries, but continues to live under the parental roof and share with the other members of the family their joys and sorrows. In this way the undivided family becomes a large composite unit including persons belonging to three or even four generations. There are instances where the membership of a joint family runs into nearly a hundred, including grand-parents, grand-uncles and aunts, parents, uncles and aunts, unmarried brothers, sisters and cousins, married brothers and their children, nephews, nieces and sometimes even great-grand-children. All of them live under the same roof, mess together and hold property in common. The family is *joint* not only with regard to food and property but also in respect of worship. It is not only a social and economic group with a corporate life, it is also a religious group held together by certain common ceremonial observances and the worship of a common deity. It is this religious bond which distinguishes the joint family from other social and economic groups which are secular in character.

for the management of the family property and also sees to it that no member performs any anti-social act. Some traits of the Indian joint family system have a parallel in the Russian peasant family specially in the matter of joint property, and in the French provincial family in respect of its social relationship. ↙

Merits and demerits of the System.— It has become almost customary with critics who are generally unappreciative of Hindu civilization and culture to condemn this system. Unable to see its good points because of ignorance of the spiritual ideal which has always informed it in the past, they lay stress on its apparent drawbacks. It is not uncommon to hear that the joint family becomes a nursery for idlers and drones. The certainty of being properly fed and looked after and the prospect of having a share in the wealth earned by the more enterprising members of the family, whether one works or idles away his time, takes away from a less actively minded person the stimulus for engaging himself in productive activities. The spirit of self-help and a sense of initiative are thus sapped in such persons, and a spirit of dependence on others is created in them. The thought of sharing the fruits of one's labour with others is also considered to have a damping effect on the more energetic members. In short, the arguments advanced against the joint family are similar to those urged against Socialism. We do not attach much weight to such arguments, they proceed on the assumption that man is by nature a selfish, ease-loving and labour-avoiding being,—an assumption whose validity can be, and has been, questioned. The joint family system would make only those persons idlers and drones who lack self-respect, and are lazy and lethargic by temperament. It would not affect those who take delight in work and love to toil for the sake of others. In this connection it is worth remembering that if, on one side, all the members of a joint family are entitled to maintenance from the family fund according to their needs, they are, on the other hand, morally bound to contribute to that fund according to their capacity. The motto of the joint family, like that of Communism, is 'from each according to his ability, to each according to his needs'

Secondly, the system is alleged to encourage the habit of litiga-

tion In many cases the common property cannot be easily partitioned between the several claimants without resort to law courts. Some also hold that the system has led to an excessive fragmentation of land by a process of division and sub-division This would, however, be also the case under the single family system where the rule of primogeniture does not exist Lastly, the institution is criticised on the ground of being unfavourable for the development of individuality The younger members have to obey the head of the family in all matters, they have little or no chance for the display of the spirit of enterprise and initiative The presence of other members in the family is a hindrance to the growth of the atmosphere of devotion and intimacy between the husband and the wife which is possible under the single family system.

The joint family system is not only the best training ground for social virtues, an insurance against unemployment, a substitute for State help to the poor and infirm, and a place of protection for the orphans and the widows, it is also of inestimable value in enabling its members to tide over periods of crisis and difficulty. Whether it is illness or enforced absence from home or any other unforeseen calamity, one can always look to the other members of the family for necessary succour and sympathy. The institution has enabled many public men in our country to ignore personal needs and leave domestic cares to others and thereby free themselves for national service. It is a fact that anxiety about wife and children and the thought of future unemployment have stood in the way of hundreds joining the national struggle for freedom. If these persons had been members of joint families, they would have had no worries about their dependents and would have done their duty by the country. The system has been useful in another way also. It has been instrumental in preserving the customs, traditions and religious rites in families from generation to generation. The younger members of the family receive their education and training from the older members and pass them on to their own children in the same way. The merits and demerits of the joint family may best be summed up in the following well-chosen words of Mr. Raman: 'One of the merits of this institution is that the old enjoy a secure and honorable place — an outstanding blessing when one recalls the loneliness of old age in the West. The other advantages are rather mixed. Continuity of tradition is assured, but chronic conservatism may be imbedded, self-discipline is enforced and consideration for others, but see then the butter is spread too thin and individual capital cannot be accumulated. There are many to help when one falls ill, but then there is always someone in the family who is falling ill. The old are revered but youth may be thwarted.'†

But whatever might have been the benefits it conferred on the people of India in the past, the practice is crumbling away under the stress of modern conditions. It is incompatible both with personal ambition and the increasing individualism which are

† T. A. Raman, *In India*, page 67—8

characteristic features of the present age. Young and ambitious persons want to seek fortunes away from the family and in new enterprise. The economic conditions which made it possible and under which it thrived have altered a good deal. The supply of fertile land is no longer abundant, and agricultural labour is not scarce. Persons are now enabled to travel to other places in search of careers.

MARRIAGE

Its character — Marriage being an institution common to mankind at large, it might seem strange to devote a separate section to a study of the practice as it prevails in India. There are, however, some special features of the Hindu conception of marriage worth considering. Without their knowledge our view of Hindu social life would remain incomplete. The peculiar forms assumed by family and marriage, the two central human institutions, account for the main features of Hindu social life which distinguish it from social life in other countries.

The first point to be noted is that Hinduism attaches a special sanctity to the marriage tie. Marriage is regarded as a sacrament, i. e., as the external and visible manifestation of an inner and spiritual union of souls. It is for this reason that the Hindu regards the marriage tie as indissoluble by any voluntary action on the part of either the husband or the wife. Divorce is not known to Hinduism. The very idea of divorce is repellant to a Hindu possessing deep religious fervour. Though Islam and Christianity permit divorce, it is interesting to note that the Indian Muslims and Christians resort to it much less frequently than their co-religionists in other lands. The Hindu tradition has remained strong even in the descendants of those who embraced these other religions generations ago. The Hindu dislike of the remarriage of widows can be easily traced to this idea. This topic will be

cannot get a partner. It is thus a case of hard necessity and not one of choice with them. Those who would not marry must go out of society in the name of religion or a similar high ideal. Marriage is almost universal among the Hindus because it is one of their religious convictions that the soul of a dead man does not get rest and solace unless certain rites are performed by his son. There are also ceremonies of a religious nature which require for their adequate performance the presence of a spouse. Neither Christianity nor Islam lays stress on these aspects of marriage. They constitute, however, the most essential features of the Hindu practice.

There are some other aspects also which deserve notice. Among the Hindus marriage and caste usually go together. The general practice is for a man or a woman to marry within his or her own caste, instances in which this rule is not observed are rare, though, of late the tendency to ignore caste restrictions in contracting matrimonial relations has gained ground. Inter-caste marriages were called *anulom*, while those which observed caste regulations were called *pratilom*. In this connection it is worth remembering that a caste is an *endogamous* group. This phenomenon restricts the field of choice for a wife or a husband. There is nothing like courtship among the Hindus. Practically the selection of a suitable partner is left to the parents. But now-a-days the parents consult their sons and daughters, specially — where they have received high education.

The notion that the Hindus are a polygamous people seems to have obtained currency in the West. The idea is wrong though instances of persons marrying a second or even a third wife during the life-time of their first wife may be found. The impression is due to the fact that certain Rajas and Maharajas have been a little lax in their marital life. Though polygamy is not prohibited to the Hindu or to the Muslim (a Muslim can have upto four wives at a time), an overwhelming majority of them are monogamous.

Early Marriage — Another thing for which the Hindu is criticised and condemned in the West is the early age at which he marries his daughter. In popular imagination Hinduism is

associated with child-marriage. There is no doubt that a decade or two ago early marriages were widely prevalent; even this day they are not quite unknown in spite of the Sharda Act. The Hindu community has introduced considerable reform in the requisite direction, the age of marriage has been considerably raised. But we must point out that the Hindu attitude towards child-marriage has been seriously misunderstood by its critics. If all the facts about this practice were taken into consideration, it would seem that there was nothing wrong or criminal about it, on the contrary, it was eminently suited to the needs of the community. One argument against early marriage is that it leads to early motherhood and therefore has a deleterious effect on the health of the child-wife, and also on that of the nation. It must be admitted that in so far as early marriage implies early motherhood, it is bound to have a detrimental effect on the health and vitality of the girl-wife and the race. But the critic forgets or does not know that in the pre-British days when child marriage was the rule the health of the race did not deteriorate. It was due to the fact that in those days early marriage was not marriage as we understand the term to-day. Between formal marriage and real marriage which we may call *nuptials* or *ganna*, several years were allowed to pass depending on the age of the girl. 'In Bengal, the little girl when she was married was not always allowed to remain in her parental home, but was brought to her husband's, more truly, to her father-in-law's place where she was daily taught, directly and indirectly, the ways and customs and the responsibilities of her new home. This marriage was not so much a relation contracted between the husband and the wife as that the girl changed her parental home for the home of her father-in-law. Here she was never allowed to know her husband unless and until she was considered by the family to be fit for it. Thus the obvious evils of early marriage were carefully obviated.'

Into the reasons which led to the adoption of the practice of early marriage we need not go; we shall refer to only one of

¹ *Probulda Bharat*, 1928, page 452.

them. The custom was necessitated by the constitution of the joint family. The happiness and prosperity of the joint family depends, above all, on the patience and understanding, unselfishness and love and devotion of the womenfolk. They have to be assimilated to the family environments and traditions. Such an assimilation is possible only if they are admitted to the family at an early age when their minds are pliant, generous and unselfish. Girls coming into the family at an advanced age when their habits have already been formed and their nature set, are not assimilable, their presence causes conflicts and collisions. Joint family presupposes early marriage. With the dissolution of the joint family early marriages also have become less common, in the absence of the former the latter would be a source of much evil because the counter-balancing influence which regulated it would no longer exist.

Under the conditions prevailing at the present time the practice of early marriage is certainly very harmful. It leads to early motherhood and largely contributes to maternal and infantile mortality. It wrecks the physical system of the girl and results in the physical degeneration of the race. As a result partly of the crusade led against it by 'reform' bodies like the Brahmo Samaj, the Arya Samaj and the Theosophical Society, and partly of changed social and economic conditions the marriage of young people is often deferred till they have finished their University education and settled in life. This reform is most noticeable among the educated classes. It is also spreading among the lower classes who sometimes take their cue from the higher castes. The Child Marriage Restraint Act, popularly known as the Sharda Act, makes it a penal offence to marry boys and girls under a definite age-limit. The Act, however, has not been rigidly enforced. Public opinion is gradually but definitely set against the practice. The Hindu society is adapting itself to changed conditions.

Widowhood.—Another custom peculiar to the Hindus and connected with their ideas about marriage is that widows are not allowed to remarry. This practice has come in for a good deal of criticism, and western critics draw horrid pictures of

the life a widow has to lead in our society. In meeting this charge we must distinguish between *enforced* widowhood and *voluntary* widowhood—two very different things which are easily confused by the foreigner who is ignorant of our ideals and practices. The former is a blot on Hinduism, enlightened public opinion has condemned it, there is nothing in our religion to sanction it. There is certainly much misery that accompanies the lot of poor women compelled to live the life of widowhood against their wish. The second is defensible and is a high ideal which Hinduism has placed before the world. It is implied in the Sati-Dharma. This Sati-Dharma, the object of which is purely spiritual, is thus described in the *Prabuddha Bharat* : "The wife seeks constantly to look upon and realise her husband as the Divine himself. Her daily ministrations to her husband and his family are sacramental to her. Her life is a continued act of worship. This is why when the husband dies, she does not set up his picture on the altar of worship. The worship of the eternal God, which while her husband was living was being done through him, becomes now direct and immediate. She gives herself to purely spiritual life, to contemplation, meditation and worship of her chosen Divine Ideal. She does not feel any break between the life of the wife and of the widow."† It would thus appear that 'widowhood is not a life of mourning at foundation, but a release

position of the widow was secure either in her father-in-law's house or in her parental home, she could apply herself to a life of service and devotion. With the disruption of the joint family the troubles of the widow began, and to-day her lot is far from satisfactory. The actual treatment she receives varies from family to family and locality to locality. At places it is good, in several families there is a respect for the widow which is gracious. She wins the reverence of the household by her piety, service and self-denial. In other families her existence is just tolerated. There are also cases where she is considered to have brought bad luck to the family and her life is one of untold hardship and humiliation.

It is a good and healthy sign that the Indian men and women are coming to realize the burden the widow has to carry in the interests of society and to treat her with deep reverence.

The Position of Women in Indian Society.—The position assigned to its women by a society is a fine index of its civilization and culture and social standards. To complete our review of the social life and institutions of India it is necessary to add a few words about the status accorded to women. This is all the more necessary because of the great misconception that prevails on the subject among foreign observers and critics and even among such of our own countrymen as are fed on their views. It has become a habit with them to contrast the low position of Indian women with the high status of their western sisters. 'Dram inspectors' from the West do not hesitate to condemn us as semi-civilized because of our alleged cruel and infamous treatment of women as manifested in child-marriage, child and enforced widowhood, and the puidah system. We have already made some observations on early marriage and widowhood and shown how unintelligent and ill-informed is their criticism by foreigners. We shall say something about the puidah system at the end of this section. Our conclusion was that our institutions and the ideas on which they were based were sound, but that evils crept into them on account of altered conditions and that they needed reform. Indians have not neglected the question of social reform. The same remarks apply to the status of women. Our

undamentals are sound, but the impact of new forces and the greatly altered conditions have necessitated reform.

The status of the Hindu woman has fluctuated with time. In ancient times she moved on terms of equality with man. She could hold property; her husband could not transfer her property without her consent. She chose her husband, generally married after puberty, and could take another husband on the death of the first one. There was no purdah and she could move freely among men. There were women scholars like Gargi and Maitreyi who took part in learned discussions on religious and philosophical topics with persons of repute. Some hymns of the Rig Veda are said to have been composed by women. One might say that perhaps no other nation in antiquity held its women in so high an esteem as the early Aryans did. 'Literature can show no grander types of womanhood than are to be found in the great epic poems of India, types sketched in by master-hands from noble models and uniting in a few heroic figures all that is at once strongest and sweetest, most lofty and most devoted in humanity.'

But this happy state of affairs could not last when the Aryans in their advance in the Gangetic plain came up against the numerically superior aboriginal population with a different colour and an inferior civilization. To have allowed the women the same degree of liberty they enjoyed before involved the great

social status There is the theory of her perpetual tutelage As a girl she depends upon the mother, as a wife on the husband, and in her old age on her sons At no stage in her life she is free to make decisions and stand by herself The view that it is obligatory on her to marry emphasises this dependence If she is maltreated by her husband, mother-in-law, or any other member of the family, she has no remedy in Hindu law, however grievous and serious the wrong done to her might be. If her husband deserts or shamefully neglects her, or takes another wife, she cannot claim divorce and has no option but to suffer the wrong patiently. The Hindu law of inheritance weighs heavily against her, she cannot inherit property, a male heir even of the fourth degree is given priority over a daughter † Her status in law was thus graphically described by a leading periodical : 'Dispossessed at birth and disinherited throughout life, the Hindu woman is expected to thrive on a precarious state of existence In fact, there is nothing by way of legal rights which makes her in any way economically independent, her subservience is just as complete, dowry or no dowry It is obvious that the *Stridhan* can in no sense be made a justification for her having no right to inherit property '* These evils are sought to be remedied by suitable legislation Two bills are pending before the legislature. One is Dr Deshmukh's Hindu Women's Right of Divorce Bill, and the other is the Hindu Monogamous Bill of Seth Govind Lal Motilal

The educational backwardness of the Hindu, nay of the Indian, woman needs no comment The facts speak for themselves The percentage of literacy among them is very low, being not above three. It is pleasant to note that female education is making steady progress The number of girl students appearing at various examinations and on the rolls of educational institutions is constantly on the increase Prejudice against female education, and customs and practices like *pudrah* and early marriage which are detrimental to their educational advancement are disappearing There is, however, much leeway* still to make up.

† In Cochin and Travancore the women can inherit property, because the Matriarchal System prevails there

* Quoted by Andrews, *The True India*, page 128

Though here and there one comes across a lady teacher or professor, a lady legal practitioner and a lady doctor, women in general are not among the earning members of high class families. The prejudice against women going in for service is still strong, specially among high caste Hindus and Muslims. This makes them economically dependent upon their male relations.

To her legal disabilities, educational backwardness and economic dependence on man, if we add the facts that she is not usually allowed to choose her partner in life, that she cannot move freely among men, that in numerous cases she is compelled to remain a widow against her will and is treated cruelly, we give a strong handle to the foreign critic to accuse us of a very harsh and unsympathetic attitude towards our women, and of having reduced them to a very low status. But this would be a hasty judgment based on an incomplete knowledge of all the relevant data. In spite of her illiteracy, in spite of the denial of certain rights to her, in spite of the admitted absence of equality with man born of dependence on him: in spite of all these and other drawbacks, she is not the drudge of the home but its real mistress and queen, given the requisite conditions. In the household she occupies a position that might well be the envy of her European sister. Nothing of importance can take place in the family

the former is mentioned first, e g , in Sita Ram, Radha Krishna. The truth is that our civilization and culture give the woman a very high place ; it is because of the vicissitude of circumstances that she has come to occupy what appears to be a low position. She has always been assigned a separate sphere of work and made supreme there, leaving man the master in his own realm. The two are thus not rivals and competitors but partners in a common pursuit. We admit many imperfections in our system; the lot of women requires to be made better in many respects, but we deny that her status is in any way inferior to that occupied by the European woman in the West

The idea that we assign a lower status to our women arises out of the fact that women are not given equality of rights with men. Equality, signifying equality of rights, has no place in Indian thought 'where life is valued as affording opportunities for spiritual benefit through duties to be discharged by one's own self, and not for claiming material comforts through rights to be asserted against others '* This is the fact which our critics forget

✓**Women's Movement** — It will not be out of place to describe here in a few words the women's movement which has been steadily growing in our country for the last quarter of a century. During this period the women of India have acquired numerous rights— social, legal and political— and a good deal of awakening has taken place among them. ~~~

It was after the Great War of 1914-18 that the women's movement was organised on an All-India basis and became political; in the pre-war era work was done by individuals or isolated societies and was confined to the educational and social fields. It is interesting to observe that the women's movement in India never became so aggressive as was the case in England, its course has been remarkably smooth. Whether it was the acquisition of the right to vote or the right to contest election to representative bodies, or whether it was the removal of some pernicious custom like the purdah, the women were not required to put a stiff fight against masculine resistance, they had only to blow 'their trumpets once, twice, or thrice, and the walls of Jericho

fell. The ease with which they have secured many political, legal and social rights, and the success with which they have asserted their civic equality with men, speak volumes for the deep regard and veneration the people of India have for womanhood in general. Other factors also were partly responsible for their notable and easy success, but we are not concerned with them.

We shall attain a fair idea of what the women of India have been able to accomplish during the short space of a quarter of a century, if we list their achievements under three different heads—political, social and legal.

Political advancement — Before 1921 women in India had no right to vote, the Government of India Act of 1919 did not enfranchise them. But the electoral rules framed under the Act empowered a provincial legislature, if it deemed fit, to extend this right to women on the same terms as were applicable to men. Bombay and Madras took advantage of this clause and enfranchised women before the end of 1921. The United Provinces followed suit in 1923, and Bengal, the Punjab and the Central Provinces joined them three years later. Within ten years of the introduction of the Reforms, women were enfranchised throughout British India. This was a remarkable achievement. But more was to follow. In 1926 women were made eligible for the first time for membership of the legislature, and in 1927 Dr. Muthulakshami Reddi became a member of the Madras Provincial Legislative Council and was unanimously elected its deputy president.

	<i>No. enrolled.</i>	<i>Number who voted.</i>	<i>Per cent.</i>
Punjab	173,450	58,216	33.56
Bihar	215,490	17,037	7.9
C P and Berar	259,750	63,744	24.5
Assam	29,680	8,678	29.23
N. W. F. Province	4,895	3,498	71.4
Orissa	70,526	4,670	6.62
Sind	27,940	9,705	34.7
<u>Upper House</u>			
Madras	2,587	1,420	55.1
Bombay	1,636	923	56.4
Bengal	2,136	437	20.5
United Provinces	1,684	598	35.5
Bihar	832	594	67.34
Assam	559	512	91.57

15 seats have been reserved for them in the Federal (six in the Council and 9 in the Assembly) and 41 in Provincial Legislatures. They also successfully contested general seats, and defeated male candidates in constituencies where men predominated. In various provinces women became ministers, parliamentary secretaries, deputy speakers and deputy presidents. They have begun to take their share in public service outside the legislatures. In almost every big municipality one would find one or more women members, either nominated by the Government or returned by the voters at the head of the poll. They are also found in district boards. Far more important than these rights won by them is their contribution to the general political life of the country. From 1931 when Mahatma Gandhi started his Civil Disobedience movement they have thrown themselves in thousands into the thick of the political struggle and have emerged from it fully conscious of their rights and responsibilities. Nothing has emancipated them so much as this participation in the struggle for national freedom. Women who took part in the movement discarded purdah and acquired a status of equality with men.

Women members of the legislatures and local bodies have made full use of their position by sponsoring and carrying through many measures of uplift and reform with regard to the status and

influence of women Their work may best be described in the following words of the late Rev. C F Andrews : "The remarkably beneficial effects of the changes which have taken place have been recognized by all Municipal life has been lifted to a higher standard of care for the poor and destitute, the weak and helpless The extraordinarily difficult and uphill battle against insanitation in the home has been carried forward till one position after another has been gained. The prevention of disease within the domestic circle, specially in the care of children, has been rendered more effective Maternity help has been made available through the disbursement of public funds, where before great suffering and even death had frequently occurred owing to the neglect of medical and surgical aid and the want of proper nourishment"†

Legal Advancement.— Several bills for effecting these and other reforms have been introduced in the central and provincial legislatures from time to time. Reference has already been made to two bills—one of Dr. Deshmukh and the other of Seth Govind Lal Motilal. Mrs. Subbaioyan also sought to introduce a bill to prevent polygamy. The reluctance of the alien government to interfere in matters of religion has been a serious obstacle in the growth of social reform legislation. Once Indians become masters of their own land and get power to shape their destiny, social reform in all directions would be speeded up.

The foregoing account of women's achievements in our country shows the heights to which they have risen from the very low position they occupied towards the close of the last century when their condition may be said to have been at its lowest ebb. 'By 1940 A. D., the tide of social, educational and political honour for women had risen so high that India now has eighty women members in the Legislatures of its combined Provinces and States, and thus ranks third among the nations of the world as regards the political influence and position secured by its women.'¹ One reason for this unique rise in her status is to be found in the fact that the movement for her freedom and progress has become linked up with the movement for national freedom. Nothing has enabled her to win her freedom so much as the noble and magnificent part Indian womanhood played in the struggle for national emancipation under the inspiring leadership of Mahatma Gandhi.

Marvellous as the achievements of Indian women have been during the last forty years or so, it cannot be maintained that they enjoy the same freedom of thought, word and action as women in most other countries. In Northern India the Puidah, and in Southern India the custom of early marriage together with its offshoot, the emphasis on the duty of wifely obedience, deprive the middle and upper class women of their much-needed freedom. In villages where the influence of education and nationalism has not yet spread, the position of women continues to be low.

¹ *Indian Womanhood To-day* Margaret E. Cousins, page 60.

Before concluding this section on Women's Movement it seems desirable to refer to three important All India Women's Organisations which came into existence one after the other and are still functioning. The earliest was the Women's Indian Association which was established in 1917 with Mrs. Besant as its President. Its aim was to band together all types of women resident in the country for mutual service and the good of the Motherland. It was under its auspices that a deputation of 14 leading women of the country headed by Mrs. Sarojini Naidu waited upon Mr. Montagu and Lord Chelmsford in December, 1917, and, along with better and increased facilities for education, improved health and maternity services, demanded franchise for women on a level of equality with men. The second is the National Council of Women in India founded in 1925. It devotes attention mainly to co-ordinating social reform activities and keeping Indian women in touch with the women of other lands. The third is the All India Women's Conference. It was called into existence in October 1926 with a

year, and it is evident from them that our women are as much conscious of their duties as of their rights, and are prepared to contribute their share to the work of nation-building. The Conference does not belong to any political party and does not take any part in party politics but is free to discuss all types of questions and matters, political included, that affect the welfare of the people of India with particular reference to women and children. It realises the necessity of India becoming self-governing as a condition of the establishment of lasting world peace. It is very important to note the spirit of unity and co-operation that pervades its activities and deliberations. It 'has been amazingly successful in creating a united sisterhood of Hindu, Mohammedan, Sikh, Christian and Parsi women with a sprinkling of broad-visioned Western women'† The enlightened womanhood of India irrespective of differences of caste and community, race and class, has given the Conference its sympathy and cooperation.

MUSLIM SOCIAL LIFE

From the fact that in India social life is largely influenced and moulded by religious ideas and practices and the further fact that in their precepts and outlook on life Hinduism and Islam stand far apart, it seems to be a natural conclusion to draw that the social life of the Muslims would show many and fundamental differences from that of the Hindus. This, however, is not the case. It is not implied that there are no differences between the two. The differences do exist, but they are not so fundamental as to obliterate the underlying unity of life and culture on which stress was laid in the first chapter. The statement that there are no caste distinctions among the Muslims has to be accepted with the proverbial 'grain of salt'. As was stated earlier in this chapter, the converts from Hinduism to Islam—and they form a great majority of the Indian Muslims—took with them the caste system into their new fold. There is the great division between the Shias and the Sunnies, and there are the further distinctions between Sheikhs, Syeds, Mughals, Pathans, etc., between whom inter-marriages do not take place. Neverthe-

less, it must be admitted that Indian Islam is more democratic and much less caste-ridden than Hinduism. The Muslims have no problem of untouchability to solve; all of them can take water from the same pot and dine at the same table. There are less restrictions on their choice of a mate, marriages between cousins being common enough. Although Islam recognises and permits polygamy, monogamy is the general practice among the Indian Muslims. The higher classes among them consider remarriage of widows as not 'quite the thing', though their religion permits it. Marriage is not regarded as a sacrament as among the Hindus; it is a contracted relationship for mutual advantage, and may be terminated by obtaining divorce. Yet divorce is not frequently resorted to. Their women can inherit property and so seem to be better off than their Hindu sisters, but on the whole the position of women among the Muslims is much the same as among the Hindus. In one respect, again, it is worse; the puidah system is observed among the higher classes more rigidly than among the Hindus. The Muslim women appear to have been less affected by the political awakening in the country than the Hindu women.

The social life of the Sikhs, Jains and other minor religious communities is almost undistinguishable from that of the Hindus. The case of the Parsis is a little different. They have no caste distinctions, and are highly educated and cultured. Their women do not observe puidah, and do not marry early. Divorce is permissible to both the sexes.

SUPPLEMENT TO CHAPTER II

Some Social Problems.— The foregoing account of our social life will remain incomplete without referring to some of the principal social problems which we have to face to-day. One of them is the communal or Hindu-Muslim problem which unfortunately has become very acute in recent years and exposes us to the taunts and ridicule of our detractors. Other problems relate to the various social institutions already described in this chapter. We shall first take up the Hindu-Muslim question.

A. Hindu-Moslem Tension.— The communal antagonism, or the communal question as it is more popularly called, has two phases which are quite distinct and should be treated separately. It is political as well as social. In so far as the communal problem relates to the allocation of seats to the different religious communities and racial groups found in our country in the central and provincial legislatures and local bodies, and their respective shares in the services of the Government, and the proper method of electing their representatives, it is purely *political* in character. It has nothing to do with the religious differences between Hindus, Muslims, and others. Interested parties give it a religious colouring, for without providing for it a basis in religion it would have been very difficult for them to make it a vital issue. This political aspect of the problem will be subjected to a thorough examination in a subsequent chapter.† Here we propose to study the social and religious aspect of it.

Thus circumscribed it is mainly a Hindu-Muslim question. Occasionally it becomes a Sikh-Muslim problem. Very rarely, if at all, it takes the form of Hindu-Christian or Muslim-Christian conflict. It is very necessary to remember this fact for it shows that something more than mere differences in religious faith is at the root of the problem. If diversities in religious beliefs alone produced communal clashes, they should have become less frequent with the spread of the spirit of religious toleration, and they should have occurred between the Muslims and the Christians or between the Hindus and the Parsees. This does not mean

† See *infra*, Chapter V

that incompatibility between the tenets and practices of Hinduism and Islam does not in any way contribute to the communal tension; but it does show that the causes of the tension must be sought in other directions as well. An examination of the relevant facts would reveal that religious antipathy is buttressed by (i) the attitude of the Hindus towards the Moslems in social matters, (ii) a wrong twist given to past history, and (iii) economic factors.

That Hinduism and Islam stand in sharp contrast in several respects is undeniable. The former subscribes to the worship of God through symbols and idols, while the latter completely rejects idolatry, root and branch. Hinduism makes its appeal to the masses through religious music and ritual, while Islam is sternly puritanical and rejects music at the time of prayer. The two creeds differ not only in the way of their appeal to the masses, they also show great diversities in their philosophies of life as well. Into these and other points of difference it is not necessary to enter into any detail. Here we shall touch upon those matters only out of which, on occasions, Hindu-Muslim riots originate. Of these the most important are the questions of music before mosques and slaughter of cows on Bakī-Id day. Disputes regarding the sites of temples and mosque, clash of rival processions, the cutting of the branches of *pīpal* trees to make way for inordinately high Tazias are other causes.

regard for their fellow-citizens either by stopping music altogether or by playing it in as soft a manner as possible. Given good-will on both sides, the question of music before mosque does not certainly seem to be beyond solution.

Disputes with regard to the slaughter of cows arise in a similar way. Islam enjoins upon all its followers the sacrifice of an animal on the Bakī-Id day. The animal usually selected for the purpose is the cow for whom the Hindus have a great reverence. The slaughter of cows offends the Hindu in the same manner as music before mosque irritates the 'Mussalman. The matter becomes worse and is most likely to lead to communal clash when the sacrificial cow is garlanded and taken in a procession through the streets as if to hurt the religious susceptibilities of the Hindus. Non-Hindus may be unable to appreciate this sentiment of the Hindus specially in view of the fact that thousands of cows are slaughtered daily for purposes of food without any expression of resentment on their part. The fact, however, remains that the killing of cows on the Id day arouses the darkest passions in the Hindu mind. The Mussalmans owe it as a duty to their Hindu brethren to give up the practice, particularly in view of the fact that animals like the sheep and the goat can be very easily substituted for the cow. If they do not want to abstain from cow-killing out of regard for their neighbours, they can at least perform their rites in the most unobtrusive manner. Like the question of music before mosque this problem also is capable of solution provided there is a will to solve it.

In this connection it is worth noting that these issues do not always lead to trouble. Many a time the difficulty is overcome by mutual consultation and compromise. It is only when feelings have already been running high and passions have been excited, for one reason or the other that the situation gets out of control, and persons of both the communities take to breaking each other's heads in the name of religion. Fortunately this mutual hatred remains in abeyance for long periods when the natural goodness and kindness of the people is able to assert itself.

If the Buddhists, the Mussalmans and the Christians can live in peace and as nationals of one country in China, if the Muslims

music, painting and sculpture, and even in the attempts of saints like Dadu, Kabir and Nanak to fuse together elements drawn from Hinduism and Islam into a new creed † The relations between the two communities were far more cordial and harmonious then than they are at the present time This cordiality was first disturbed by the reformist revivalist movements of the nineteenth century. The cry 'Back to the Upanishads' raised by Rajah Ram Mohan Roy, and 'Back to the Vedas' as propagated by Swami Dayanand Saraswati among the Hindus, and the similar cry of 'Back to the example of the Prophet' raised by Muslim religious reformers led the Hindus and the Mussalmans 'beyond the last thousand years back to distant and divergent traditions and heroes, and therefore further away from one another in certain departments of life' ‡ Under the influence of the spirit of revivalism the Hindu and the Muslim began to give up practices that each had adopted from the other. In this way contacts were narrowed down and many areas of common life restricted. The separatist tendencies inherent in revivalism were magnified a hundredfold by the creation of separate communal electorates under which system not only a Muslim need never approach a Hindu for his support in election and *vice versa*, but what is worse, that person stands the best chances of success who is loudest in stressing the supposed or fancied interests of his co-religionists and reviling the members of the other community. It is the firm belief of a large number of persons that the communal tension cannot decrease and the situation cannot ease so long as the separate communal electorates remain to widen the gulf between the two communities It would thus appear that the political aspect of the problem enters as a complicating factor even in the non-political issues, making confusion worse confounded The partition of Bengal and acts of legislation like the Land Alienation Act of the Punjab which adversely affected one community also helped to create and foster communal discord and bitterness

To obtain a true perspective of the Hindu-Muslim riots attention must be paid to another point also It is not the entire

† See *The Hindu Muslim Questions*, by Dr Beni Prasad.

‡ Ibid, page 25

body of the Hindus or the entire body of the Muslims which takes part in rioting. Loot, arson, stabbing, attacks on innocent women and children, and practices of a similar nature are indulged in only by the lower strata on each side. The majority of the Hindus and the Muslims, it is safe to assume, do not debase themselves by participating in rioting. Even with regard to the lower elements it may be said with some plausibility that what incites them to rioting is not so much religious zeal or fanaticism as the love of excitement or occasionally the prospect of loot. The lower strata of society can easily be used as tools to create and spread mischief by persons who thrive and prosper on the basis of communal antagonism. In this connection it may not be out of place to call attention to the fact that the section of society occasionally to suffer in riots is the class of money-lenders which is generally Hindu, and they suffer at the hands of their debtors who include a fair proportion of Muslims. Thus the economic factor remotely plays not an inconsiderable part in communal disturbances which provide an opportunity for paying off old scores.

tolerance If the Protestants and the Roman Catholics who fought bloody wars in England and France could settle down to a life of peace and harmony, there is no reason why the Hindus and the Muslims should not be able to do likewise in India. In so far as the malady is the result of an unjust and inequitable distribution of wealth, absence of adequate opportunities of self-development, and frustration of desires, the solution must be a long-range one involving universal education and the establishment of social justice. This demands a free national government. But much can be done in the immediate present by multiplying occasions of contact between the members of the two communities, e g, study circles, common national festivals, participation by members of one community in the festivals of the other. The creation of joint electorates would certainly go a long way in removing one of the most potent causes of the existing discord and establishing concord.

The obstacles created by the spirit of revivalism and the attitude of exclusiveness adopted by the Hindus must be removed. Inter-marriage between Hindus and Muslims seems to be an impracticable proposition, and may therefore be summarily ruled out. But there should be no objection to Hindus taking food touched or even prepared by Muslims. Inter-caste and communal dinners should be encouraged. The slogans of Hindu water and Muslim tea and separate refreshment rooms for the two communities at railway stations should disappear forthwith. All this requires a re-orientation of the mental attitude which is not easy. Stress should be laid not on what is different in the two religious faiths but on what they have in common. Luckily the things which unite the Hindus and the Muslims are many and important. Ethnically and culturally a vast majority of the Indian Muslims are indistinguishable from the Hindus, because they are converts or descendants of converts from Hinduism. They have a common cultural heritage. They share alike in the Indian character †. It is also relevant to point out that before the separatist tendencies made their appearance and brought about the present cleavage, the Hindu and the Muslim

† Compare what was said about the fundamental Unity of India in Chapter I

of Hindu-Muslim Unity lies in each remaining true to his own religion and yet being true to each other..... It consists in our having a common purpose, a common goal, and common sorrows. It is best promoted by co-operating in order to reach the common goal, by sharing one another's sorrows and by mutual toleration. A common goal we have. We wish this great country of ours to be greater and self-governing. We have enough sorrows to share.... A mutual toleration is a necessity for all time and for all races. We cannot live in peace if the Hindus will not tolerate the Mohammedan form of worship of God and his manners and customs; or if the Mohammedans will be impatient of Hindu idolatry or cow-worship.... All our quarrels have arisen from each wanting to force the other to his views'

B. Other Social Problems.— The existence of institutions which make demands upon the Hindus out of accord with the spirit of the times has created for them a host of problems. The future of the community depends upon the manner in which these problems are met and solved.

The existence of three thousand and odd castes and sub-castes enumerated in the census report, each rigidly exclusive and independent of the other, has given birth to a very urgent problem for the Hindu community. It has led to serious fragmentation of the community and made the development of a common social feeling extremely difficult, if not impossible. There is little inter-dining and no inter-marriage between them. Whatever inter-dining and inter-marriage have come to exist are contrary to caste regulations and exist in spite of them. How to reduce this bewildering multiplicity and create solidarity is the chief problem facing the Hindus. It is proverbially easier to name the problem than to suggest its solution. Perhaps nothing less than a revolution is needed to rid the Hindu community of the caste octopus. The problem arising out of the institution of untouchability is also very important. Enough has been said about it earlier in the chapter.

Illiteracy of the women of India and the subordination of the women to men to which it leads constitute another serious

social evil the cumulative consequences of which are disastrous in the extreme. So long as the women remain illiterate, social progress is impossible. Men might advance but then homes continue unchanged without a corresponding progress on the part of women. Without advancement of women society cannot march forward. It is a happy sign of the times that as a result of the noble part played by the women of India in the struggle for national emancipation much change has come about, a change that holds out a promise for the future. But it is confined to the cities, and even in the cities to a small section of the society. The great mass of women in the middle and higher classes are still 'cribbed, cabined and confined' to the zenana. In the rural areas also the women remain backward and unprogressive. There are little or no facilities for their education, and the influence of the national movement has not yet penetrated to the village home. Female education is thus one of the most vital problems we are called upon to solve. It is the master key which would unlock many a door.

for its existence and that which checked its evil effects has disappeared. By leading to early maternity and by its effects on the health of women the custom has done incalculable harm to the community. Efforts have been made to put an end to it by legislation but not with great success. The attempt to render it less harmful by raising the age of consent first to ten, and then to twelve years, has not borne much fruit. An awakened public conscience and a strong public opinion against it are the only remedies.

The practice of demanding dowry for accepting the hand of a girl in marriage is another great social evil. It is more widely prevalent in some parts of the country and in some sections of society than in others. It makes the marriage of a daughter a serious and almost an insoluble problem for the poor parents. Cases where a girl committed suicide in order to avoid worry to her father have sometimes occurred. This is an evil which cannot be put down by legislation, a strong public sentiment against it is the only remedy.

The unhappy lot of the Hindu widows and their large number—they are a little less than two crores—make the problem of re-marriage of widows a major social problem. Enforcing widowhood on young girls has produced many serious social evils. Religious reformers from the days of Ishwar Chandra Vidyasagar have advocated the re-marriage of widows, and many associations for the object of popularising the idea have come into existence. There has been some progress but it is painfully slow. The idea of re-marrying a widow is still repugnant to the orthodox and conservative Hindu thought.

Though both Hinduism and Islam permit polygamy, a great majority of the adherents of the two religions are in effect monogamous. It is only in a few ruling houses and a limited aristocratic and wealthy circle that the practice still persists. The social effects of polygamy are not important in Indian life. Nevertheless, a Bill making polygamy a penal offence for the Hindus is before the legislature.

Another custom which needs abolition is that of dedicating women, while still girls, to temple service. Though ostensibly

their duty is to sing and dance before the gods in temples and also on social festivities, some sort of prostitution has come to grow out of the custom. The number of such women popularly known as *Devadasis* in Madras was estimated to be over two hundred thousand by the Devadasi Association. Dr Muthulakshmi Reddy successfully introduced a Bill in the Madras Legislative Assembly in 1928 to put an end to the practice of dedicating girls to temples.

monogamy among the Hindus some enthusiastic reformers suggested that divorce should be introduced among the Hindus also. The Baroda State passed a Divorce Act but it has not been resorted to frequently. Public opinion does not seem to be in favour of such a step.

Social Reform and the role of the State.— Efforts to stamp out these and other evils have been made by individual reformers and reform associations for about a century. They will be described in a subsequent chapter dealing with the religious life of the country. As a result of these efforts the cause of social reform has certainly advanced, but it is confined mainly to the educated classes. Even among them the measure of success achieved in some matters is not appreciable. Though the age of marriage has been raised, the hold of caste considerations in the making of matrimonial alliances has not relaxed, and the expenses incurred in connection with marriage festivities continue to be ruinously heavy. Similarly there has been no great fall in the number of widows, and the demon of untouchability still continues to stalk the land. The slowness of reform through the education of public opinion is inevitable in a country like India where the masses are illiterate and superstitious and the hold of religion on them great. This has led a section of progressive social reformers to demand that the efforts of individuals and associations towards social reform should be reinforced by State legislation. Their contention is that legislation should be passed making early marriage, compulsory widowhood, acceptance of dowry, observance of untouchability etc., penal offences. If the practices of *sati* and girl infanticide could be suppressed through State action, there is no reason why a similar step should not be taken to root out the curse of untouchability and compulsory widowhood. The British Government has, however, been neutral in matters of social reform. Its policy of non-intervention has been dictated by considerations of expediency and principle both. On principle it does not choose to offend religious susceptibilities by measures which may be regarded as interfering with the religious rites of the people. Considerations of expediency make it reluctant to place on the statute-book measures which are destined to remain dead letters for lack of support on the part of the public. The

Chapter III

ECONOMIC LIFE IN INDIA

Introductory.— The conditions under which wealth is produced, distributed and consumed in a country have far too important a bearing on its people to be neglected by the student of its civic life. They mould the character of the people and determine the mode of their life. We therefore propose to take a bird's eye view of the economic life of the Indian people.

Poverty in India.— The most significant thing to be noted in this connection is the dependence of a very large majority of the population on land for their livelihood. More than seventy per cent of the people are engaged in agriculture. This means that Indian economy is chiefly *rural* and not *urban*. And the out-standing feature of her rural economy is the appalling poverty of the masses living in the countryside. The estimates of the *per capita* income in India made by different agencies from time to time leave no doubt on this point. The Central Banking Enquiry Committee estimated it at Rs 42/- per annum. Dr Rao puts the figure at Rs 62/- Professor J C Kumarappa, Secretary of the All India Village Industries Association, after collecting figures for 50 villages in Matar Taluka in Gujarat, found that the average income per head there was Rs 14/- per annum. Even if we take the highest figure as true, the fact remains that the average income in India is extremely low. The following figures of *per capita* national income in 1931 for different countries tell their own tale. U S A. Rs 1406 ; U K. Rs 980 ; France Rs 621 , Japan Rs 218 , Canada Rs 1938 , Australia Rs 752 , Germany Rs 603 , India Rs 62

Notwithstanding the ostentatious display of wealth by the Princes and wealthy men of India in the fashionable hotels of European cities, and notwithstanding the tradition that India has once been a land of plenty flowing with milk and honey, the poverty of the Indian masses is an admitted fact, it is a most distressing fact of which all reformers must take due note. It was testified to by Sir William Hunter, the Director of Statistics in the Government of India in the seventies of the last century. According to a recorded statement of his 40 millions out of the 240 millions

of India lived and died in such abject misery that they did not know what it was to have a full meal. It means that nearly *one-fifth* of the population of the country lived in a state of permanent misery due to lack of food, and thus painfully endured a half-starved existence. At a later date another great statistician under the Government of India, Sir George Grierson, wrote that nearly forty-five per cent of the total population were insufficiently fed, or housed, or both. In other words, nearly a hundred millions of people lived in extreme poverty. Dr Manohar Lal, a member of the Punjab Government and an economist of repute, wrote in 1916 that 'poverty, grinding poverty, is a tremendous fact of our economic and national position, and it is to my mind an immeasurably more potent fact than even the ignorance and illiteracy that prevails among the masses. It is a picture of literal starvation, mental and physical. It can represent the life of no unit of civilised humanity.*' Dr Mann came to a similar conclusion after a close survey of many typical villages in the Doab. Sir John Megaw, an ex-Director General of the Indian Medical Service, estimated that the average quantity of milk consumed per adult is less than two chhataks (three and a half ounces) per day, and of butter a little more than one tola (half an ounce). According to him sixty one per cent of the people are

progress; and being unprogressive, they remain poor

Several factors have contributed to convert India from a land of plenty into a land of semi-starvation and misery. Perhaps the most important of them was the cruel and systematic destruction of Indian industries by the East India Company, assisted, of course, by the Industrial Revolution in England. The Company used its political power in India to prevent the movement of Indian manufactured goods from one part of the country to the other, and in England cheaper commodities began to be produced. The result was that the demand for Indian goods was gradually replaced by a demand for raw materials not only in the British, but in our own market also. The policy followed by the Railway authorities in India substantially helped in the process. The work of destruction of Indian industries was completed by the tariff and exchange policy of the Government of India. It is unnecessary to go into details.

One consequence of the disappearance of Indian industries was the increased pressure on land. Hundreds of thousands of persons who formerly found employment in spinning, weaving, bleaching, dyeing and printing connected with the manufacture of cloth, in the smelting of iron and the production of iron and steel instruments, in the manufacture of paper and other industries, had no option but to resort to agriculture when they found their occupations gone. Again *lakhs* of persons who served as soldiers in the numerous states and principalities which then existed also found themselves out of employment, and turned to agriculture. Persons engaged in transport were also seriously affected by the introduction of railways. Foreign trade came to be largely monopolised by the Britishers. The loss of so many productive avenues could not but result in the poverty of the people.

The tremendous increase in the population of the country from about 22 crores in 1872 to nearly 39 crores in 1941 has also meant a great increase in the pressure on land. During the last sixty years the number of persons depending on agriculture for their livelihood has nearly doubled. The larger the number of persons engaged in an industry like agriculture with limited possibilities of expansion, the smaller must be the margin of profit.

and vagaries of monsoon can be remedied by a well-planned policy of irrigation by the State, and the exhaustion of land can be removed by giving it rest and by the use of scientific manures. The loss caused by pests, insects and diseases of plants can be reduced to a great extent by the adoption of suitable methods. Mycology can be of great help in this country as it has been elsewhere. What has been lacking is an effective desire to ameliorate the condition of the poor cultivator.

(ii) Animal Husbandry.— Next to land the chief source of income of the peasant is his cattle. But, notwithstanding the largest number of cattle India possesses, animal husbandry is the lowest here. There is a great room for improvement in the breed of the cattle and their yield, and in the utilization of their by-products, alive or dead. Much wealth can be derived from the proper development of dairy industries which are at present largely undeveloped. Several provincial governments undertook an ambitious programme of rural uplift with a view to improving the condition of the masses and raising their standard of living. This movement will be examined at a later stage.

(iii) Industries.— Next in importance to agriculture and animal husbandry as a determinant of the economic life of India is *industry*. It is of two types, one, the small scale or cottage, and the other, the large scale or mechanised. Small scale or cottage industries had attained a very high degree of efficiency before the advent of the East India Company. They supplied the wants of the people at home and abroad. As has already been stated, they were deliberately ruined by the Company. Mahatma Gandhi has made a serious attempt to rehabilitate some of them. The All India Spinners Association and the All India Village Industries Association have been doing laudable work in this direction. The progress achieved has been slower than what could be expected. Large scale mechanised industry is of western import, and therefore of recent origin. Its progress has been retarded by several causes, the most important of which are the very keen competition from industrially advanced nations and the step-motherly attitude and treatment of the Indian Government. The more important of these industries are cotton, jute, tea,

valued till as late as the end of the 18th century. But her position in the metallurgical world declined with the industrial revival in the West. With the import of cheap European products, her own production of metals and metal-wares either ceased or was greatly reduced. But a revival is now noticeable ; her metallurgical industry is making progress.

India is at the present time producing coal, iron, gold, manganese, mica, and nitre. Iron and steel products are manufactured at the Tata Iron and Steel Works at Jamshedpur which are the largest producers of these things in Asia. Her potential mineral wealth is largely unexploited. It is not necessary to go into details about the major and minor Indian industries. We shall, however, refer to a few aspects of the industrial life of the country.

One of its noteworthy features is the large share the foreigners have in it. Not all the industrial concerns are Indian owned and managed. The jute industry of Bengal is largely in the hands of the Britisher, profits from it go largely to enrich the foreigner. It has been estimated that for every Rs. 12/- earned by the Indian labourer, about Rs 100/- go to the Britisher. Similar is the case with tea industry. The foreigner has also a heavy stake in several cotton and woollen mills in the country. The Kolar gold fields are operated by a foreign concern. In other words, we might say that our natural resources are being largely exploited by non-Indian agencies, their exploitation does not add much to the national wealth.

The second feature is the mobile character of the industrial labour. The villagers from the countryside flock to industrial cities like Bombay, Ahmedabad and Cawnpore leaving their womenfolk behind them. Out of the 1,844,400 persons employed in the 10,900 factories in 1940 as many as 1,588,000 were men, 247,000 women, and the rest children. The great disparity between the number of men and women living in the labour areas in such towns creates serious social and moral problems. The conditions under which mill workers live in their slums are also bad, all the factory owners do not provide housing accommodation and other amenities to their mill-hands.

when he advocated the spinning wheel, even if it produced only a few annas a day ' *

7. Their second argument is that industrialisation would not lead to an equitable distribution of national wealth. What is of importance and significance in determining the general standard of life in a country is not merely the *amount* of national wealth produced, but the *question* of its *proper distribution* as well. Prof. K. T. Shah estimates that in our country out of every one hundred rupees, a sum of Rs 33/- goes to a very small number of capitalists and land-owners, a sum of Rs 33/- goes to middle men, and the balance of Rs 34/- is distributed amongst working men. But the number of labourers sharing in the sum of Rs. 34/- is about twice as large as that of the other two classes combined together. Industrialisation will only make this unequal distribution still more unequal; it would not help the mass of struggling and underfed Indian people. It is the universalisation of cottage industries where the worker owns the means of production and earns the full reward of his labour which can help it. This aspect of hand-spinning which is the symbol of cottage industries should appeal to the socialist as well as to the non-socialist.

There is another argument against mechanised industry. England holds India as one of the greatest and finest markets for her manufactured goods. She is apprehensive lest the transfer of power to the people of the country should be followed by the closing of the Indian market to her goods. Japan wants to strengthen her grip over China for the same reason. Industrial countries live by their power to export merchandise to other countries. If India were to become another England or U. S. A., where would she find a market for her surplus manufactures? Will she not be compelled to fight bloody wars against other countries in quest of markets for her goods? The home market, however extensive it may be, would not suffice. This aspect of the question should be given careful consideration by all the well-wishers of India and humanity.

Lastly, it may be pointed out that small scale cottage industries

to free from all the evils inherent in the large scale mechanised industry ; e g . exploitation of labour, conflict between labour and capital, slum life, moral dangers of the congregation of huge populations in cities without adequate amenities of life, and above all, chronic unemployment.

This plea in favour of universal hand-spinning and the popularisation of cottage industries should not be taken as an argument against the creation of basic and key industries like the manufacture of heavy chemicals, locomotives, automobiles, and ship building. Such industries may be run by the State for public service, but not by private individuals for private gain

industrial civilization of the West. The result is that the condition of industrial labourers in our country is not so good as in the western countries.

The next important consequence has been the rise of the Trade Union movement. A trade union is an association of workers formed for improving their bargaining capacity and for securing better conditions of work. Though the Bombay Millhands' Association was the first labour organisation to come into existence in India in 1890, the Trade Union Movement did not begin in right earnest till after the end of the first world war. Even at the present time the movement is not so strong and well-organised as in England or in the United States of America. The labourers have not shown much enthusiasm in organising themselves for securing better conditions and shorter hours of work, provision for medical relief and the education of their children. They have also lacked proper leadership. Nevertheless scores of trade unions sprang up in various parts of the country within half a decade of the beginning of the movement, i.e., between 1919 and 1923. With a view to the proper co-ordination of the individual unions, as well as for the purpose of making recommendations with regard to the personnel of the labour representation on the Indian Delegation to the annual sessions of the International Labour Conference, an All India Trade Union Congress was formed in 1920 on a national basis. When the communists captured it in 1929, moderate trade unionists like Mr. N. M. Joshi seceded from it and formed a new organisation called the Indian Trade Union Federation. Another split occurred in 1931 with the result that three separate organisations were in the field. One represented the communist group, the second the liberal or moderate group, and the third included the rest. Attempts were made from time to time to bring the three organisations together and some success was achieved. In 1940 the two main bodies, the Trade Union Congress and the National Trade Union Federation, decided to combine themselves into one central body. But before unity could be actually achieved differences among the workers of the Trade Union Congress arose over the question of neutrality towards the war effort. The consequence was the

materials like cotton, jute, hides and skin, oil seeds, tea etc. She also exports some quantities of cotton cloth to East Africa and other countries. She imports manufactured and semi-manufactured articles. A few years back cotton goods from Lancashire used to be the principal item of her imports. Besides textiles she imports motor cars, locomotives, machinery, paper, tinned food, yarn, oils, metals and ores, chemicals, dyeing and tanning substances, instruments and appliances, artificial silk, liquors, raw and manufactured wool, paints and numerous other things. She exports more than she imports, the balance of trade is generally in her favour. She has to pay for the 'home charges', for the interest on foreign capital, shipping services etc.; and she pays for them in the shape of the excess of exports over imports. Britain is her largest single customer, both as regards imports of manufactured goods and the export of raw materials.

It is also worth noting that our export and import trade is largely in the hands of Europeans. There are large trading firms domiciled in foreign countries which import goods from their respective countries and distribute them among the local dealers, and buy Indian raw products and export them. The capital invested by these companies is so large, and their organisation so thorough that there is little chance of Indian firms making any headway against keen competition from them. Financing of trade is done by banks which are also largely European, and are naturally inclined to favour European firms as against the Indian ones.

Transport.— Since the growth of internal trade is facilitated by the existence and improvement of the means of communication, something about the transport system in India must be said here. The principal means of transporting goods and men in our country at the present time are the railways, and, next in importance, the motor bus service. Bullock carts, mules, ponies and other beasts of burden come next. In the hilly tracts where there are no roads for motor traffic, human beings have to carry goods from one place to another. Besides these, rivers and canals are used for boat traffic. Recently, air transport also has come into existence. In the post-war period there is the likelihood of great development of air transport.

late wars In the second place, it has almost systematically discriminated against Indian interests by unduly favouring the transport of goods to and from the ports. The effect was to encourage the export of raw material from the country and the import of foreign manufactured goods into it. Lastly, it may be stated that Indian capital had very little chance of investment in railways. The nation has had to pay a heavy price in the shape of dividends and bonuses to foreign bond-holders:

Besides the network of railway lines, India has also an extensive road system. It consists of four great trunk roads and a number of subsidiary roads, with a total length of 64,000 miles. Out of these the trunk roads account for about 5000 miles. They are the following: (i) The Grand Trunk Road running from Calcutta to Khyber. (ii) The road connecting Calcutta with Madras. (iii) The road connecting Madras with Bombay. (iv) The road linking Bombay with Delhi. These roads have been in existence for a very long time and have great historical associations. In addition to these trunk and other subsidiary roads there is a very large mileage of *kuccha* roads. Rajputana, Sind, and parts of the Punjab, Orissa and Bengal are not so well served by good metalled roads as other parts of the country. Pucca roads linking the villages with each other and with the neighbouring cities would greatly facilitate the flow of goods from the former to the latter and *vice versa*. Civil aviation also has been introduced in the country. There is regular service between Delhi, Karachi, Bombay, Calcutta and Madras. Mails and passengers are carried by them.

Unemployment — Before concluding this short review of the economic life of our country, it seems necessary to draw attention to two important phenomena: unemployment in the land, and the rural uplift movement.

We often hear of unemployment in countries like Great Britain, Germany, and the United States. But the evil as it is found in our country is of a different nature from what it is in other lands. There it is *industrial* unemployment, i. e., unemployment among industrial workers in organised industries. This form of unemployment, though not unknown here, does not

ment in this class is wide-spread and has become a serious problem would be admitted by all. In many provinces committees were appointed to investigate the extent of unemployment among the educated classes and suggest remedies. In our own province the Government appointed a committee in 1935 under the chairmanship of Sri Tej Bahadur Sapru. All these committees admitted in their reports the seriousness and wide extent of middle class unemployment. The Madras committee suggested, and the Madras Government invited applications for two test vacancies, each of them carrying a salary of Rs 35/- p m. One of them was in the P W D, and the other in a commercial firm. 663 applications were received for the one, and 787 for the other post. These figures may be regarded as a sufficient indication of the vastness of unemployment.

The presence of educated unemployed in such a large number is a great social and political evil. Besides causing suffering and anxiety to the individuals concerned, it produces a general demoralisation in the community whose cumulative effect may be great. The existence of dissatisfied and disgruntled youth having a sense of wrong is a great danger to the stability of the Government also.

Several factors are responsible for the existence of unemployment on such a vast scale among young men who have received literary education upto the Matriculation standard, or have passed or failed to pass a higher examination. One of them is the great increase in the output of our schools and colleges and universities without any corresponding increase in the number of posts available in government offices, educational institutions and business firms. More educated young men are being turned out than can possibly be absorbed. This excess of supply over demand is due to two circumstances. One of them is the character of the education imparted to the youth in our educational institutions. It was designed to produce a race of clerks to serve as mediators between the foreign rulers of the land and her masses. Our schools and colleges produce young men eminently fit for clerical jobs. The number of these being strictly limited, little wonder that there is unemployment among the educated youth. In this connection it may also be pointed

out that our educational system generates in the minds of those subject to it a profound disinclination for professions involving manual labour. It is not uncommon to see educated sons of cultivators, carpenters and smiths wandering about in search of jobs when they could easily have earned more by assisting their parents in their work. They, however, come to regard manual work as less dignified than clerkship, and would prefer to become fifth-rate low-paid clerks than to follow their ancestral occupations. The second factor is the paucity of openings for the educated. 'In England there are altogether 16,000 occupations excluding the army, navy and the civil services. In India there are perhaps less than 40'.* The growth of industries would provide new openings and avenues for our young men. Caste prejudices also stand in the way of some persons following certain occupations. A Brahmin or a Kshatriya boy will not adopt leather business or take to poultry farming. With the decline in the rigours of the caste system such hindrances are becoming less important, but still they do exist.

The various committees appointed by the different provincial governments referred to in the preceding paragraph suggested several remedies for educated unemployment, e.g., the establishment of employment boards for bringing together the employers and those seeking employment, collection of comprehensive statistical information about unemployment and also about avenues open to young men in different walks of life, and the diversion of educated people to agriculture. Some have even suggested curtailment of the existing facilities for higher education and limiting the number of students going up for university examinations. Many of these suggestions are not remedies but only palliatives. The establishment of employment boards and a statistical survey of employment in the country would not reduce unemployment to any appreciable extent. The truth seems to be that the evil cannot be eradicated so long as its root causes are not removed. Unless the current educational system of the country is thoroughly overhauled and brought into line with the social and economic needs of the community as is envisaged in the famous Waidha Scheme sponsored with

* Jathar and Beri *Indian Economics*, Vol II, page 619

the blessings of Mahatmaji, we cannot expect any great improvement upon the present situation. The present purely literary bias of education must be removed ; the wrong notion that manual work is less dignified than work at the desk must vanish, and the craving after government service as the be-all of life also has to go, if the number of educated unemployed is to be reduced. In the second place, new occupations and openings for them must be created. This means the starting of fresh industries, cottage and mechanised. India must also have a navy and a mercantile fleet of her own to provide work for thousands of her young men ; the army must be thrown open to all sections of the population and not kept as a close preserve for certain castes styled martial by the Government. Without such heroic measures the evil cannot be eradicated.

We do not in the least agree with the proposal to restrict the opportunities for higher education to those only who can pay for it and are considered fit for it on the score of their good results at the examination. The fault lies not in the pursuit of higher education but in the system ; rather than put hindrances in the diffusion of the former, we should change the latter. But there is no harm in impressing upon the minds of the parents and guardians that the vacancies in government and other services being few and restricted, they should prepare their sons and wards for other occupations. In the meantime the suggestion made by the Sapro committee that the Government and the local bodies should adopt measures to increase the demand for educated men should be accepted and acted upon by the authorities concerned. For example, the Government can easily insist upon a certain minimum educational qualification for the police and the army departments, and municipal and district boards can give work to numerous young men with medical qualifications in their health campaigns. The superannuation age can be lowered and the rule more rigidly enforced to give chances to younger entrants. But these are mere palliatives and touch only the fringe of the problem. The real and lasting solution of the evil can come only from a thorough overhauling of the educational system and the establishment of

new industries and enterprises For them we shall have to wait till India is free.

Rural Development.— Our villages have been the greatest sufferers from the evil effects of British rule They have been sadly neglected during the last 150 years and more. After the destruction of their old self-governing institutions and the ruin of their subsidiary industries, no effort was made to extricate them from the depths of misery and ignorance into which they had fallen Mahatma Gandhi was the first to realize the sad plight of the villagers, and he bestowed himself to do something for their amelioration He gave the country the message of the spinning wheel, and founded the All India Village Industries Association to revive the old industries His activities roused the Government of India from its lethargy and awoke it to a sense of duty to the villagers from whom it derives a greater portion of its revenues. In 1934-35 it set apart a crore of rupees to be spent upon rural development, and distributed it among the various provinces each of which was expected to supplement its share with funds from its own resources This was the beginning of the rural uplift movement which made appreciable advance during the short period the Congress formed the government in several provinces. Had it remained in office for a little longer, the condition of the village masses would have immensely improved. In what follows we shall give a brief account of the movement as it has flourished in the United Provinces

Supplementing the grant of fifteen lakhs of rupees from the central funds with a lakh of rupees per year, the U P Government prepared a five year plan for rural reconstruction The plan was to select 72 villages in each district (except the three hill districts of Nainital, Almora and Garhwal) and start work in them These villages were to be divided into six groups, each group being under the charge of one supervisor working under instructions from an inspector for the whole district The staff was to be under the control of the District Collector who was expected to exercise his functions through one of the deputy collectors. A small advisory committee consisting of officials and non-officials nominated by the Collector was to be

appointed to help the authorities. This plan was being worked when the Congress accepted office in July 1937.

The Congress Ministry soon realised that the movement could not evoke any enthusiastic response among the masses because it was predominantly official and did little to enlist non-official co-operation. It was also argued that even if successfully worked, the plan would require generations to do any substantial good to the province as a whole containing about a lakh of villages. The ministry therefore decided to overhaul the plan completely. The new scheme launched by it aimed at a great quickening of the pace and enlisting the continuous support, zeal and enthusiasm of the village community as a whole without which no movement of rural uplift could be effective.

The fundamental idea of the new scheme is to organise every village as a cooperative society for better living. The society is to be registered under the Cooperative Societies Act, and thrown open to all adult residents of the village. It is to contain the representatives of all classes and communities, and of every family in the village. By the end of October 1939 more than 4000 such societies had come into existence throughout the province. Every society held its meetings periodically, and elected a Panchayat as its working committee. The Panchayat usually consisted of about a dozen members and included one or more Harijans also.

The villagers were also encouraged to build a Panchayat Ghar in every village or a group of small villages. It was to provide a meeting place for the meetings of the Panchayat and the village assembly, and also to house the village school, library and reading room. A portion of it could also be utilised for storing seeds, agricultural implements, and medicines for distribution among the villagers. More than 200 such Panchayat Ghats were built in the province in one year, and about the same number were under construction. To their construction every resident of the village contributed his or her mite in one shape or another, some contributing free labour for a day or two. The Government also met a portion of the cost. The organisation

of the village community as a better-living society and the Panchayat Ghar constituted the centre round which the scheme of rural reconstruction as envisaged by the Congress ministry revolved

For popularising this scheme and pushing it forward in all the villages an agency was needed. For this purpose a Rural Development Officer for the whole province was appointed. A number of divisional superintendents and district inspectors were also appointed. The number of villages where reconstruction work was to commence was increased to 300 in every district. These villages were grouped into 20 centres, and each centre was put under the charge of an organiser. Besides this executive body, there was set up a Provincial Rural Development Board. The heads of the different departments intimately connected with rural development like the Industries Department, the Public Health Department and the Department of Agriculture, and the Cane Commissioner were appointed ex-officio members of the Board. Non-official persons from each Division known to be interested in rural development work were nominated to it. The provincial legislature was also asked to elect seven members to it, five from the Assembly and two from the Council. In each district a District Rural Development Association with a large non-official element was appointed. It was put in charge of the work of rural reconstruction in the district. In this way a net work of associations came into existence in the province. The imagination of the villagers was stirred and their enthusiasm yoked to the work. Much good was being done, and more was expected when the Congress ministry went out of office. The work done by them was of the following description.

Each centre under the charge of an organiser was intended to have a seed store. In two years' time 380 such seed stores were established. They were to supply improved seed to the villagers. The Government had budgeted for a grant of Rs 25 lakhs for the construction of seed stores for the year 1939-40. About 6½ lakh maunds of *rabi* and about a lakh maunds of *kharif* seeds were distributed in two years, mostly on *sawai* basis. Over 2 lakhs of demonstrations were given in sowing improved seeds, the use of improved methods of cultivation and the use of better implements and manures. A decent sum of money was set apart

for the purchase and maintenance of stud bulls. Saplings were supplied with a view to encouraging the cultivation and growth of fruits. Steps were also taken to encourage the creation of fuel and fodder reserves. The plantation of trees for the supply of fuel in villages was encouraged with the object of saving cowdung for use as manure.

This represents the achievements of the Rural Development Department so far as improvement of agriculture is concerned. It did not neglect the development of village industries either. Two polytechnics were started, one in the Unao and the other in the Fyzabad district where people were trained in spinning and weaving, oil pressing, carpentry and paper making. A grant of more than twenty-three thousand rupees was given to the Spinners' Association for starting 66 spinning classes.

In order to supply better medical aid to the villagers the Government opened about 200 Ayurvedic and Unani dispensaries under qualified *vaid*s and *hakims* in rural development villages. Eye relief camps were also organised at many places. Maternity and child welfare centres were sanctioned, and efforts were being made to train indigenous *dais* in modern scientific lines. The work of educational expansion was also taken up. An Education Expansion Officer was appointed, and a Literacy Day was celebrated throughout the province. At one time this officer ran 768 libraries and 3600 reading rooms. In one year about 2 lakh and eighty thousand persons were taught to read and write. The Rural Development Department still has its own adult schools for both boys and girls. Reference may also be made to the three vans equipped with magic lanterns, cinema unit and gramophone records and exhibits of rural interest kept for propaganda and publicity purposes. 50 radio sets were installed by the Department at suitable places round about Lucknow, villagers assemble there daily to listen to the rural programme broadcast from Lucknow. The Department also runs its magazine '*Hal*' which is supplied to development libraries and organisations etc. Physical culture clubs were opened in almost all the districts for the improvement of the physique of the villagers. In all these various ways attempts were made to improve the conditions of life in villages.

Chapter IV

RELIGIOUS LIFE IN INDIA

Role of Religion in our Life.— Religion constitutes a factor of immense importance in our country, it dominates life to an extent unknown in other lands. As has been stated already in the preceding chapter, it determines the life of an individual from the cradle to the grave. To a large extent it settles what he will eat, and whom and where he will marry. It also fixes his relations with his neighbours as well as with the State and humanity. All this is due to the fact that social institutions like the caste system and marriage, and the prescriptions of social usage have a religious sanction. This statement applies both to Hindus and Muslims. The social code of the Hindus is based on the *Shastras*, that of the Muslims, on the *Quran* and the *Hadis*. It is also worth noting that the course of social reform in our country has been indissolubly connected with religious reform, our greatest social reformers have been religious reformers also. The ground for the political awakening we notice in the country to-day, was prepared by the religious reform movements of the last century. It will not be incorrect to state that in order to gain momentum and become strong a movement must rest on a religious basis. 'So interwoven with religion is the very fibre of Indian heart that it only throbs with full response when the religious note has been struck which calls out its sympathetic vibrations'†. It is therefore necessary to examine in some detail the main religious found in this country and study the chief religious reform movements of the last century.

HINDUISM

Its Importance.— Hinduism is one of the principal religions of the world claiming about a fifth of the human race as its adherents, the bulk of whom are found in India. The influence of Hinduism is not confined only to those who are returned as Hindus in the census reports, but extends much farther. It has been a potent force in moulding the spirit and character of the Indian people. It thus deserves a careful study.

† Annie Besant *India a Nation*, page 71

Its Definition.— It is very difficult to give a precise definition of Hinduism. The reason is that it is more a way of life than a creed, more of a process than a result. It is not a codified religion like Islam or Christianity, and does not owe its existence to any original founder as the other religions do. Hence there is no body of doctrines which it is obligatory upon every Hindu to accept and follow. Even the belief in the existence of God is not essential, there have existed many atheists in the Hindu fold. Though the Vedas are the sacred books of Hinduism, it is not absolutely essential for a Hindu to believe in their divinity and infallibility. There is hardly any tenet common to all who call themselves Hindus. There are no fixed intellectual beliefs which mark off Hinduism from other religions. The task of summing up the essence of Hindu religious faith in a few sentences is well-nigh impossible.

Hinduism is best understood as a comprehensive synthesis of spiritual experience, and not as a fixed revelation. In the words of Sir Radhakrishnan, the most eminent exponent of Hinduism at the present time, it is 'more a way of life than a form of thought. It insists not on religious conformity but on a spiritual and ethical outlook in life. It is a fellowship of all who accept the law of right and earnestly seek for the truth.'* According to him Hinduism seeks unity not in a common creed but in a common quest for spiritual truth, and is comprehensive and synthetic. It has never shut out by force wisdom from any source, for it does not believe in any distinction of mine and thine in the Kingdom of the Spirit.

It seems necessary to explain what we mean by describing Hinduism as a *way of life*. Hinduism holds that man has an essential nature on account of which he maintains himself as an entity distinct from other things in the world. He is a soul, a spirit or *atma*. This soul or *atma* is divine, it is not different or separate from the *Paramatma* which is the soul of the Universe, but is a part of it. According to Hinduism man is essentially a child of Divinity, it is wrong to call him a sinner. But this Divinity lies deep in our being, it is not always

* *Modern India and the West* edited by O'Malley, page 339

manifest. We do not realise it so long as our minds are unclean. The moment a man's mind becomes cleansed of all impurities, his divinity begins to shine through. Our aim in life should be to get rid of all the impurities that conceal this Divinity and to realise our oneness with the Supreme Spirit or *Paramatma*. As a religion Hinduism stresses the fact that the highest and the greatest of all spiritual truths is *aham brahmasmi* (I am the Reality or Brahman) or *tat tvam asi* (that thou art). This truth is not to be arrived at as a result of metaphysical arguments or mere intellectual discussions, it results from a direct and immediate consciousness of Reality. Hinduism holds that religion is *realisation*, the realisation of the divinity already present in man, as Swami Vivekananda defined it. Spiritual truths can be known only to the extent we *live* them; they are a function of the spirit and not a product of intellectual activity. This insistence upon the *realisation* of spiritual truths - explains why Hinduism is not a credal religion like Islam or Christianity.

In order to realise spiritual truth an individual has to discipline his mind. A person who leads a life of sensual indulgence cannot be truly religious. So long as lust, greed, anger, hatred, pride and selfishness continue to sway our minds, we cannot realise any spiritual truth. It is for this reason that Hinduism forbids things like meat, intoxicating wine and stimulating drugs to the seeker after truth. The Upanishads declare: 'The self is realized by truth, by austerity, by proper knowledge, by uninterrupted self-control'. The emphasis is upon self-control and purity of mind. The observance of *ahimsa* or non-violence is also recommended as an indispensable aid to the cultivation of the proper attitude of mind. Concerning it the late lamented Rev C F Andrews wrote as follows 'Rather it is typical of Hindu India, and of no other country in the world, that the smaller animals, specially the birds and squirrels, have entirely forgotten their fear of the human race, together with all the never-ending torture that this fear involves. In avenues and gardens, and even along the open streets, these timid creatures have become so free from alarm that they will flutter and scramble about near one's feet or around one's head, in

Dead Birds

complete confidence of the kindly nature of man. Only this morning, on the day I am writing this chapter, a squirrel began to play all around me as I sat in the verandah, and even scrambled over my feet without a shadow of fear . . . Such a harmony between man and nature has taken centuries to knit together †

Attention may be drawn to one more feature of Hinduism as a way of life. It holds that truth, though one and indivisible, has many faces and can be approached from different points of view. Accordingly it has never laid any claim to the exclusive possession of truth, but has always admitted that the different religions of the world embody different aspects of it. This makes Hinduism tolerant. Religious persecutions have never disfigured Hindu history.

Though there are no tenets which every Hindu is required to believe on pain of exclusion from its fold, there are certain beliefs which are characteristic of Hinduism and may therefore be regarded as constituting the kernel of its faith. In addition to the belief in the reality of the Supreme Spirit or *Paramatma* and the conviction that the human spirit is a part or manifestation of it to which reference has been made already, Hindus generally believe in the divinity and infallibility of the Vedas, and in the sacred character of the Upanishads. They also accept the doctrines of divine incarnation and metempsychosis or transmigration of soul, the theory of *Karma* or retribution, according to which every person must suffer the consequences of his or her bad acts and reap the rewards of good acts in this life or the next. According to Hinduism the soul never dies, it merely takes up one body after another as we change one suit of clothes for another when it gets dirty. This process continues until the soul achieves *moksha*, i.e., liberation from the cycle of birth and death, as a result of the realisation of its oneness with the *Paramatma*. The belief that the world of sense-experience is not truly real, that its reality is illusory as compared to that of the spiritual world, and reverence for the cow may also be regarded as typical of Hinduism. As a socio-religious system the institution of *varanashram* or the caste system, the division of an individual's

life into four stages, the sacramental character of marriage, and the joint family distinguish it from other religious faiths. Early marriage, enforced widowhood, and untouchability are not of its essence; they are excrescences, evils that crept into it during a period of decay.

In the popular mind Hinduism and reverence for the cow are very intimately connected. It therefore becomes necessary to add a few words about the topic. Concerning it, it is best to quote Mahatma Gandhi who regards it as the central fact of Hinduism. He writes 'Cow protection to me is one of the most wonderful phenomena in all human evolution, for it takes the human being beyond his species. The cow to me means the entire sub-human world. Man through the cow is enjoined to realize his identity with all that lives. Why the cow was selected for apotheosis is obvious to me. The cow was in India the best companion. She was the giver of plenty. Not only did she give milk but she also made agriculture possible. The cow is a poem of pity. One reads pity in the gentle animal. She is the 'mother' to millions of Indian mankind. Protection of the cow means protection of the whole dumb creation of God.... Cow protection is the gift of Hinduism to the world; and Hinduism will live so long as there are Hindus to protect the cow.'

It also seems necessary to guard against a popular misconception in regard to Hinduism. It is commonly believed that it is polytheistic. The idea, however, is not quite correct. It is, of course, true that the Hindu Pantheon consists of numerous deities, and every Hindu is free to worship any deity he likes. Among the better-known gods of the Hindu Pantheon are the following: Vishnu the preserver, Shiva the destroyer, Brahma the creator, Saraswati the goddess of learning, Lakshmi the goddess of wealth, Kali the goddess of Shakti, Ganesha the god of wisdom, Indra the god of rain, Varuna the god of water, and Sun the god of light. Every one of these deities has his or her own worshippers. Among the ten different incarnations of God, Rama and Krishna are held in the highest esteem. But these various gods and goddesses are not to be regarded as *independent* beings, they are commonly considered to be the different *manifestations* or

aspects of the One Supreme Being 'There is one God, people, call Him by different names.' This is a saying generally found in the Upanishads. The notion that Hinduism is polytheistic arises from ignorance. There is a similar misconception about idol worship also. It is alleged that the Hindu worships the idol as a god. This is erroneous. No Hindu takes the image to be God; he simply takes it as an aid to worship. Less developed minds require some visible symbol on which to concentrate in their meditation. Idols or images are such aids to concentration. Idol worship may, in this sense, be regarded as a concession to human weakness. There is no sin in it. The beauty of Hinduism lies in the fact that it has something appropriate to offer to every individual according to the degree of his spiritual evolution. It is like a river which has shallows in which even a child can bathe, and deep eddies which even an expert swimmer will find beyond his strength.

About Jāinism and Buddhism, the two other great religions that took birth in India, we need not say much. The latter has almost ceased to exist in the country, its adherents are found in Ceylon, Burma, China and Japan. There are numerous Jains in our country, but they are Hindus to all intents and purposes. They may be regarded as a sect of the Hindus. Before proceeding to give an account of Islam, another great religion of India, it is desirable to describe at some length the various movements which sought to reform Hinduism during the last century.

Religious Reform Movements.—The Brahmo Samaj, the Arya Samaj, the Theosophical Society, and the Ramakrishna Mission are the principal reform movements in Hinduism which, in and between themselves, constitute the Hindu spiritual and cultural renaissance, and have materially contributed to national awakening. To appreciate their importance adequately, one must remember that Indian national and cultural life had touched a very low ebb during the century preceding the establishment of the Brahmo Samaj in 1828. This period may very well be called the Dark Age of India when Hinduism had almost wholly lost the vitalising power and spark of life which, in the past, had produced a glorious and marvellous culture. The

people of India had forgotten the sublime truths of the Upanishads and the Vedanta, then spiritual yearnings had been replaced by a soulless observance of dogmas and an enervating adherence to empty rituals. Instead of worshipping one supreme God the Hindus had taken to the worship of innumerable gods and goddesses, and an idolatry of a low type had replaced the contemplation of the impersonal Brahman. Evil practices like compulsory *sati*, enforced widowhood, untouchability, girl infanticide, and an extremely rigid caste system recognising thousands of castes and sub-castes were eating into the vitals of the social body. Politically, India lay humbled before the scheming and intriguing British diplomacy. Culturally, she stood stupefied against the apparently superior civilization of the western conqueror. The process of internal disruption set going by the loss of political power was accelerated by the effects of western education which had made educated Indians conversant with the materialistic and atheistic findings of nineteenth century European scientists. To these seriously disquieting and highly disturbing influences were added the activities and preachings of the Christian missionaries who poured ridicule on Hindu religious beliefs and practices. Their official position lent glamour to their preaching, and together with winsome manners and, in many cases, genuine love for the people of the country, they were winning converts to their faith in thousands. The citadel of Hinduism was violently shaken and shocked, and it seemed as if it were about to collapse. The cultural life of the Hindus seemed to be on the verge of extinction†. But then a miracle happened. There arose a few towering personalities—Raja Ram Mohan Roy in Bengal, Swami Dayanand Saraswati in Kathiawar, Miss Annie Besant in Madras, and Sri Ramakrishna in Bengal—who prevented the crash that seemed inevitable. India found her feet again, her vitality that lay dormant was revived. Gradually but steadily she began to assert herself, and to-day she finds herself in a position to give the tottering West, which had for long cast its bewitching spell on her, the message it sorely needs to-day. Mahatma

† Cf. *The Cultural Heritage of India*, Vol II, pages 412–44

Gandhi embodies in his teachings the spirit and essence of Indian wisdom. The thinking men of the West are looking for light and guidance to him and his message.

The Brahmo Samaj.—The earliest of the reform movements was the Brahmo Samaj founded in 1828 by Raja Ram Mohan Roy (1772-1833). Raja Ram Mohan Roy is not only the first, he is also one of the greatest social and religious reformers and patriots of modern India. Born in an old and orthodox Brahman family, he received his early education at Patna, at that time a centre of Islamic studies and culture. He is also reported to have visited Tibet. After wandering about in India for some time, he settled at Benares to study Sanskrit and the Hindu scriptures. In the course of his service under the East India Company he came into contact with Christian missionaries. These influences—early life in the midst of orthodox Hindu traditions, study of Hindu Shastras, study of Islamic and Christian theology, and contact with Missionaries—combined to develop in him a cosmopolitan and modern outlook. He realised that before Hinduism could successfully withstand the criticism levelled against it by the Christian missionary and the rational atheist, it needed pruning and reform. He thus found his life's mission. It was nothing other than the bringing of his countrymen back to the purity of ancient Hinduism. For this purpose he settled at Calcutta, and gathered round himself some men of liberal ideas who met weekly for the study of Hindu scriptures. He also published some of the Upanishads in Bengali with comments, and also the Vedanta Sutras. He had reverence and regard for the central truths of Hinduism and its imperishable cultural treasures, but was strongly opposed to idolatry and pernicious customs like child marriage, polygamy and untouchability. His position was that Hinduism as it was practised in Bengal at that time was not pure but had become encumbered with a mass of superstition which required to be purged. He exhorted his fellow countrymen to make themselves familiar with truths as contained in the Upanishads which had been either forgotten or were known only to a few.

In 1828, he and his friends founded an association which was destined to have a startling career in the country as the Brahmo

Samaj Its central conception is that of 'formless God', the Eternal, Unsearchable, and Immutable Being, who is the author and preserver of the Universe. For its worship and adoration the first temple of the Samaj was opened in 1830. It is worth noting that the Eternal and Supreme Being was not to be worshipped under any designation or title used by any particular sect, and no name was to be given to it. No image was to be placed in the temple and no sacrifices offered. Nothing sacred to any religion was to be reviled or contemptuously spoken of therein. The temple was open to all men without distinction of caste or creed, colour or religion. This shows that Raja Ram Mohan Roy wished his Samaj to be a tolerant body, devoted to the promotion of piety, virtue and benevolence, and the strengthening of the 'bonds of union between men of all religious persuasions and creeds'. It also shows how he was able to combine in his religious teachings the philosophy of the Upanishads and the monotheism of Islam.

Raja Ram Mohan Roy was not merely a religious reformer; he worked hard equally for social and educational reform. His Brahmo Samaj stands for the emancipation of women from all sorts of social inequality, and is against early marriage, enforced widowhood and untouchability. Later on it waged war against the caste system. Of all the groups within Hinduism, the Brahmos are the least caste-ridden. In the field of education the great Raja stood for the western type. He wanted to give his countrymen education in western sciences because he was convinced that the predominant position of the Europeans in the world was due to their cultivation. He was one of the persons who sponsored the founding of the Hindu College which was opened in 1819. He also helped the English missionary, Alexander Duff, to start his English school in 1830. In demanding liberty and equality for Indians, individually and collectively, he proved himself to be a patriotic politician also. The greatness of Raja Ram Mohan Roy lies not so much in what he actually achieved during his lifetime as in the fact that he was the first Indian to grasp the inter-dependence of social, religious, educational and political reforms.

In spite of the great personality of its founder, the Brahmo

Samaj did not make much progress It failed to create any great impression among the educated people of Bengal After the death of Raja Ram Mohan Roy in England in 1833 where he had gone on a mission from the Emperor of Delhi, the affairs of the Samaj suffered neglect till Maharshi Devendranath Tagore, the father of the illustrious poet, Rabindra Nath Tagore, joined it in 1842, and by his saintly life and great organising capacity made it a living force. During the thirty years that he was at the helm of its affairs the Samaj prospered; many branches were opened in different parts of Bengal and outside. He also gave it its ritual. He desired to lead the Samaj along lines of pure Hinduism, he was less impressed by Christ than Raja Ram Mohan Roy had been.

In 1862 another great person, Keshav Chandra Sen, joined the Brahmo Samaj and soon became one of its leading lights. He was adopted as his co-adjutor or assistant by Devendranath, and was ordained as the minister of the Samaj with the title of Acharya when he was barely twenty-four. He infused fresh vigour and life in the movement by developing a sort of youth movement which attracted a large number of young men and college students to it. He started the famous journal 'The Indian Mirror' which, together with the *Hindoo Patriot*, became a strong advocate of social and political reform in the country. But he belonged to a different class and generation from Devendranath's, and was more impregnated with Christian influences. He did not know Sanskrit and was brought up in an English school. He was therefore less influenced by Hinduism than his predecessors. 'Christ had touched him and it was to be his mission in life to introduce him into the Brahmo Samaj and into the heart of a group of the best minds in India.' Because of this and differences in other respects, a cleavage arose between him and Devendranath as a result of which he left the Samaj and founded a new body called the Braham Samaj of India as distinguished from the older and parent body called the Adi Brahmo Samaj. This was not the only schism provoked by Keshav. Another and more serious breach occurred in 1878

* Romain Rolland *Prophets of New India*, page 79

when he consented to the marriage of his daughter with the young prince of Cooch Bihar when both the boy and the girl were under-age in the sight of the Brahmo Samaj marriage law. A large number of influential members of his Samaj broke away and organised themselves into a new Sadharan Brahmo Samaj. Keshav reconstituted his followers into a new body, and gave it the name of Nava Vidhan or New Dispensation. He died in 1884.

Since 1878 there have been three branches of the Brahmo Samaj. The Adi Brahmo Samaj, to which the Tagore family belongs, is the smallest and the least Christianised. The Nava Vidhan is the most Christianised. The Sadharan Samaj is the most influential and active branch.

Though under Keshav Chandra Sen a few branches of the Brahmo Samaj were started outside Bengal—there were two in the United Provinces and one each in Madras and the Punjab in 1866—the movement never acquired a genuine all-India character. Even at the present time it is practically confined to Bengal, and there too its membership is not large, being generally restricted to the educated families. Its appeal has never been so wide-spread or influential with the masses as that of the Arya Samaj. One reason for this is to be found in the fact that from its very inception it bore the impress of Christianity. Raja Ram Mohan Roy borrowed freely from Protestant Unitarianism, and as has been stated already, Keshav wanted to introduce Christ into his Samaj. Its social customs too are richly spiced with westernism. Its appeal to Christian religious sentiments made it alien to the Hindu tradition. Again, the movement lacked an emotional appeal which would have struck a sympathetic chord in the Bengali mind. Its rational eclecticism made it rather too high for the reach of the masses. Nevertheless, it did yeoman's service to Hinduism. It saved hundreds of young men who already had come under the influence of Christianity or atheism from straying further away. It found a place for those who felt a sort of gap between themselves and the rest of their Hindu brethren. More important than this is the fact that it had been the starting-point for the various reform movements, religious, social and political, which, since, have

swept over India during the last hundred years and more. It had contributed very much to the educational progress and social reform movement, more particularly in Bengal. There it had forcefully shaken the citadel of superstitious orthodoxy. It had given stimulus to several movements, and served to leaven society in general with the yeast of a new life. Its most notable achievement was the high status to which women had been lifted in the educated middle class families which had come under its influence. It had done much to spread female education.

Before concluding this section reference may be made to an allied reform movement in Bombay, the Prarthana Samaj. It was founded in 1867, three years after the first visit of Keshava Chandra Sen to the city of Bombay, and was much strengthened by his second visit in 1868. Its cardinal principles are broadly similar to those of the Brahmo Samaj. It believes in One Supreme Being whose worship leads to happiness in this world and the next, and does not regard worship of images as a true mode of divine worship. It is thus theistic and draws its inspiration from the Hindu scriptures. It is also much interested in questions of social reform. It has sought the abandonment of caste, the introduction of widow marriage, the abolition of early marriage, and the advancement of female education. But it has not been so rigidly against idolatry and caste as the Brahmo Samaj. The late Mr. Justice Ranade, Sir R. G. Bhandarkar and Sri Narayan Chandavarkar were among its members. Though its membership was not extensive, it also contributed much to the social reform movement in the Bombay Presidency as well as to the shaping of Indian nationalism by its educational and other works.

The Arya Samaj.—The second great religious reform movement which has powerfully contributed to the Indian Renaissance is the Arya Samaj. It is the largest and most influential reform movement in modern Hinduism. It was founded by Swami Dayanand Saraswati, one of the bravest and noblest of men, having the courage of a lion and being a rare combination of a 'thinker in action with a genius for leadership'. In several respects he differed from the leading lights of the Brahmo Samaj. These differences are reflected in the character of the Arya Samaj.

Raja Ram Mohan Roy and Keshav Chandra Sen had been impregnated in varying degrees by western ideas and influences. This accounts for the anglicised character of the Brahmo Samaj. Swami Dayanand did not know English, but was a profound Sanskrit scholar and was not at all influenced by Christianity. He watched with deep pain and anguish the infiltration of western ideas and culture into the minds of the educated youth, and the great inroads Islam and Christianity were making towards the citadel of Hinduism. He wanted to stop all this and at the same time reform Hinduism itself. As Swami Dayanand is the key to the Arya Samaj, a short account of his life is indispensable for a proper appreciation of the teachings and activities of the latter.

Mulshankar — such was the original name of Swami Dayanand — was born of rich Brahman parents in a town in the Morvi State in Gujrat, the region which half a century later was to give birth to another illustrious Indian, Mahatma Gandhi. His father was rigidly orthodox and of a stern domineering character. Mulshankar inherited an indomitable strength of will from him. The story of the Shivratri fast, the night vigil, the sight of the mouse nibbling the offerings to the god and running over the idol need not be told here, it is a commonplace in every Hindu home. What is of importance is the effect it had on the sensitive and questioning mind of Mulshankar. It gave a definite turn to his thoughts, and set him doubting about the value of idol-worship. Again, the death of his sister and his uncle a few years later provoked him to think about the worth and meaning of life, and made him much disturbed in mind. His parents thought that marriage would be a balm to his perturbed mind, and so decided upon getting him married. But to avoid being married, Mulshankar left home, and for fifteen years wandered in quest of religious truth. He first adopted the garb and life of a Brahmachari, next got initiation into Vedanta, moved about in search of practical yogis, and finally came to Muttra and studied *Ashtadhyayi*, *Mahabhashya* and *Vedanta Sutra*s with Swami Virjanand. After a three years' stay there he left his Guru with the command to spread the knowledge of the true Shastras and

fight against the prevailing false sects Swami Dayanand fulfilled the mission with which he was charged by his Guru with admirable courage and zeal. The rest of his life was spent in touring over the country, holding discussions with pundits, maulvis and Christian missionaries, with short periods of retreat for further contemplation and perfection of character. He was so successful in his preaching that 'in five years Northern India was completely changed'† In the course of his preaching tour he met Keshav Chandra Sen, Mahatma Devendranath Tagore, and Sri Ramakrishna Paramahansa at Calcutta. The former saw in him an ally in his crusade against idolatry and polytheism. But Swami Dayanand could not possibly come to any understanding with the Brahmo leader, strongly imbued as the latter was with the spirit of Christianity 'His national Indian Theism, its steel faith forged from the pure metals of Vedas alone, had nothing in common with theirs, tinged as it was with modern doubt which denied the infallibility of the Vedas and the doctrine of transmigration'* This association with the Brahmo Samaj leader had one good result. Swami Dayanand gave up speaking in Sanskrit and began to address his audiences in Hindi. He also had a brief association with Madam Blavatsky and Col. Olcott of the Theosophical Society, but he broke away with them on the question of the personality of God He died at Ajmere in 1883 It is suspected that the concubine of a Maharaja whom he had sternly rebuked got poison administered to him.

Swami Dayanand was not only a seeker after truth; he was also an ardent patriot. He dreamt splendid dreams about the future of his Motherland. He had the vision of an India purged of superstitions, corrupt and evil practices like enforced widowhood and idolatry, united in the worship of one Supreme God, fitted for self-rule and restored to her ancient glory. His one recipe for achieving these objectives was to replace the false beliefs which were current in the society and the thin veneer of western civilisation which was making an impression on the educated youth by the life-giving truths contained in the Vedas He

† Romain Rolland, *Prophets of New India*, page 100

* *Ibid*, page 101.

exhorted his countrymen to take their stand on this 'primeval scripture of humanity', and thereby gave a new orientation to the Hindu faith. He held and taught that the Vedas were a divine revelation and therefore infallible, that they were the fountain-head not only of religious but of scientific truths as well. He devised a new method of interpreting them, and translated and wrote commentaries on them. His first care was to see that their study was thrown open to all who could read and profit by them. To have declared that all human beings, untouchables included, have the right to study them was a most remarkable and significant phenomenon, specially in view of the prohibition imposed upon their study by Brahman orthodoxy. In the course of the numerous disputations he held with the protagonists of other faiths, particularly with the Sanatanist Pandits, Swami Dayanand proved that idolatry and the worship of a large number of minor gods and goddesses had no sanction in the Vedas which only enjoined the worship of one Supreme Formless God. He also held that the caste system with its thousands of castes and sub-castes based exclusively on heredity was opposed to the teachings of the Vedas which recognised a four-fold division of society based on qualities and character. The deplorable condition of women also moved his sensitive soul. He valiantly fought for the betterment of their lot, and showed that early marriage, enforced widowhood and the subordinate position of women were utterly un-Vedic. The Vedic conception of marriage is that of a sacrament that binds a *grown-up* man and a *grown-up* woman in matrimonial bonds. The Vedas regard the woman as the divine help-mate of man in all spheres of life. Swamiji was no less chivalrous towards the untouchables. No one has been a more ardent champion of their cause than he. He threw open the portals of the Arya Samaj to them, and made them honourable members of the Hindu society.

For the achievement of his object of regenerating India Swami Dayanand founded the Arya Samaj in Bombay in 1875. A couple of years later he started another branch at Lahore which became the centre of his work. To-day the Samaj has branches all over the country. The Punjab leads with more than seven

hundred Samajas, the United Provinces comes second with a little less than four hundred, and Rajputana ranks third with about a hundred. There are also Samajas in Burma, Siam, East Africa, South Africa, Mauritius, Fiji Islands and other places. The Arya Samaj has revived the old practice of sending out religious preachers to distant lands and admitting non-Hindus within the fold of Hinduism. On account of its uncompromising attitude towards what it regards as false beliefs, and its proselytising activities the Arya Samaj has been characterised sometimes as the 'Church Militant', and sometimes as 'aggressive Hinduism'.

During the seven decades of its existence the Arya Samaj has achieved notable results. It has become a mass movement, particularly in the Indo-Gangetic plain. Wherever its influence has penetrated, a new life and spirit has come over the people. They have given up their old lethargy and weak-kneed acceptance of the current values of life, and acquired faith in themselves and their religion. The Arya Samajist is prepared to lay down his life even in defence of his faith and is ever ready to meet the challenge of those who hold different views. This stands in sharp contrast to the attitude of the average Hindu before the advent of the Samaj who remained undisturbed by the ridicule and vilification of his religion by others.

The splendid work done by the Arya Samaj may best be described under four heads: religious, social, educational, and political.

(a) **Religious Work.**—The principal achievement of the Arya Samaj in the sphere of religion is to have given a new orientation to the Hindu faith. It calls upon Hindus to discard the *Puranas* and other *Shastras* as the source-books of their religious faith, and base it on the bed-rock of the Vedas and the Vedas alone. In this way it has made a great attempt to purify Hinduism of all the corrupt practices that had found their way into it during the period of its degeneration. It denounces polytheism, idolatry, untouchability, enforced widowhood, early marriage, hereditary caste system and other practices which a degenerate Hinduism had come to believe as sanctioned by its sacred books. In this respect it resembles the Brahmo Samaj. But whereas the

latter had based its opposition to them on grounds of reason, the Aīya Samaj takes its stand on the Vedas and contends that they have no sanction in the Vedas. This method of approach to socio-religious problems is typically Indian, and was destined to make a more direct appeal to the mass mind than the Brahmo Samaj ever did. The following are the ten principles which constitute the official religious creed of the Samaj:

(i) God is the primary cause of all true knowledge and of everything known through knowledge

(ii) God is sat-chit-anand— existent, intelligent and blissful. He is formless, omnipotent, just, merciful, unborn, endless, unchangeable, without beginning, unequalled, the support of all, the master of all, omnipresent, unaging, immortal, fearless, eternal, and the hold and the cause of the Universe. To Him alone worship is due

(iii) The Vedas are the books of true knowledge. It is the first duty of every Aīya to read them, teach them, recite them, and hear them being read

(iv) One should always be ready to accept truth and give up untruth

(v) Every thing should be done according to the dictates of *Dharma*, i. e., after due reflection over right and wrong

(vi) The primary object of the Samaj is to do good to the world by improving the physical, spiritual, and social conditions of mankind

(vii) One's dealings with others should be regulated by love and justice, and in accordance with the dictates of *dharma*.

(viii) One should promote knowledge and dispel ignorance or *avidya*.

(ix) No one ought to be content with his own good alone, but should look for one's welfare in the welfare of all

(x) In all matters which affect the social well-being of the whole society one ought to discard all differences and not allow one's individuality to interfere, but in strictly personal matters everyone may act with freedom

To these may be added the belief in the doctrine of the transmigration of soul, the theory of *Karma*, and the idea of

nirvan or *moksh*. It should be remembered that the Arya Samaj does not recognise the necessity of an intermediary between God and his devotees. There is no class of priests in it comparable to the Brahman-class of Hinduism, or the class of clergymen in Christianity.

The Arya Samaj has not only given us a liberal and broad interpretation of Hinduism and asserted the superiority of the Hindu over foreign culture, it has also stemmed the tide of conversion of Hindus to Islam and Christianity. Nay, it has gone further; it has flung the doors of Hinduism open to the followers of other faiths. In the year 1940 as many as 1993 non-Hindus were converted by the Arya Samaj. As has been pointed out above the Samaj has revived the old practice of sending missionaries abroad. It has invested lakhs of untouchables with the sacred thread and thus made them members of the Hindu society on a level of equality with the rest.

To sum up, the following constitute the objectives of the Samaj in the religious sphere: to change the ideology of the Hindus, to diffuse correct knowledge about Vedic theology and Aryan culture, and to purge Hindu society of the evils that are undermining its very foundations.

(b) Social Work — Social reform has always been a large plank in the programme of the Arya Samaj. It stands for the abolition of the hereditary caste-system and maintains that whether a person is to be treated as a Brahman or a Kshatriya, as a Vaishya or a Shudra should depend upon his or her qualities and not at all on birth. It wants to restore the *Varna-vyavastha* as described in the Vedas. Not much success has been achieved in this field, a majority of the members of the Arya Samaj continue to be as much caste-ridden as the other Hindus. Nevertheless, it must be admitted that the hold of the caste system is slackening on the Hindu mind. The credit for it should, in part, go to the activities of the Samaj. It is a few Arya Samajists who are conducting the Jat-Pat Torak Mandal. The Samaj also denounces early and ill-assorted marriages. It has laid down twenty-two years as the minimum age for boys and sixteen for the girls for marriage. It has done much work in popularising the

remarriage of widows, and improving the status of women in general Reform of marriage customs and other social evils of a similar nature has not been neglected either

But probably the most important item in the social reform work of the Arya Samaj is the uplift of the untouchables By declaring that the social position of a person depends upon his worth and not on his *birth*, it gave a serious blow to untouchability. An active campaign was started in 1908 for the uplift of the depressed classes. At the present time the Dayanand Dalit Uddhar Mandal is doing much good work in this direction. The Samaj has not lagged behind in rendering service to suffering humanity. As if inspired by the philanthropic work done by Christian Missions, the Arya Samaj was the first purely Indian association to organise orphanages and widow-homes. It was also the first non-Christian body to start a non-official movement for the relief of the distressed in famine-stricken areas. There is now a net-work of social service agencies throughout the country organised and conducted by the members of the Arya Samaj.

(c) Educational Work. — The Arya Samaj is the premier educational association in the country. No other body has so many educational institutions under its control and management as it has. There are several D. A. V. Colleges in the Punjab and the United Provinces where modern education is imparted to students. The most important of them are those at Lahore and Cawnpore. The D. A. V. College at Lahore was started in 1886 as a memorial to Mahatma Swami Dayanand. These colleges are fed by hundreds of D. A. V. High and Middle schools. There are also special day and night schools for the depressed classes. The education of the girls too has received ample attention. There are Kanya Pathshalas in almost all big towns, and there is the famous Kanya Maha Vidyalaya at Jullundur. Mention must also be made of the renowned Gurukul at Kangri (Hardwar) where boys are admitted at the early age of about seven and undergo training till the age of twenty-five. During this period they live with their gurus and lead a life of poverty and brahmacharya. The discipline is very strict. This is a very remarkable institution.

Here education is imparted along indigenous lines through Hindi, though English and modern sciences are also taught. The Gurukul was founded by Mahatma Munshi Ram who was later on known as Swami Shriadhanand. The Samaj has carried on vigorous propaganda in favour of Hindi. On account of the impetus given by it the number of Hindi-knowing persons has much increased.

(d) **Political Work.**—The Arya Samaj is essentially and fundamentally a Hindu reform movement; it is not a political organisation. But it has been a highly potent factor in the political awakening of the nation. Directly it fosters pride in the motherland, patriotism and the spirit of self sacrifice; and indirectly it generates a sturdy character and love of independence. Its members do not show any inferiority complex. Little wonder then, that it should have been suspect in the eyes of the vigilant foreign government. It should also be remembered that Maharshi Dayanand was the first Indian to preach the cult of Swadeshi and lead a revolt against the blind acceptance of western ideas and ideals. The Arya Samaj foreshadowed many of the items of the present Congress programme in nation building, and has contributed immensely to the growth of the sentiment of nationalism. It has also given to the nation some of its front rank politicians and leaders like the late Lala Lajpat Rai and Swami Shriadhanand.

In an article contributed to *The Cultural Heritage of India* Swami Nivadar and sums up the achievements of the Arya Samaj in the following words :

‘Whatever defects may have crept into the religious faith of the Arya Samaj owing to its one-sided view of the Vedas, this movement undoubtedly struck a genuine Hindu note, and that is why it appealed forcibly to the religious instinct of the race. Moreover, by breaking away from the practice of image-worship, it catered to the taste of the modern intellectual. The replacement of image-worship by Vedic sacrificial rites with sacred fire and oblations lent something like a romantic charm to the Arya faith. Lastly, the radical changes of social customs were perfectly in line with the spirit of the age. All these combined to crown the proselytising efforts of the Arya Samaj with success. All

over Northern India, specially in the Punjab, this new creed spread like wild fire, and in the course of a few decades brought several lakhs of followers within its fold. Thus has the Arya Samaj repelled from an extensive area the disastrous inroads of foreign culture and thereby recorded a chapter of momentous achievement in the cultural history of the land' *

The Theosophical Society - As founded by Madame Blavatsky, a Russian lady of noble birth, and Henry Steele Olcott, a Colonel in the American army, in New York in 1875, the Theosophical Society had nothing to do with the Hindu reform movement. Its aim was the propagation of a certain truth about the universe and the nature and destiny of man together with a way of life based on them. It merits consideration here because, in India, it has contributed substantially to reviving the faith of the enlightened Hindus in their own sacred literature and religion, and performed the same type of work in Southern India which the Arya Samaj achieved in Northern India in checking the influence and inroads of Christianity and materialism. Its founders were invited to this country by Swami Dayanand. They landed in Bombay on February 16, 1879. Col. Olcott visited many parts of India and delivered many lectures in which he tried to arouse the Hindus to a sense of their degeneration and urged them 'to separate the splendid Hinduism of the past from the excrescences that were draining away its life' †. He also founded several societies for the study of Hindu religion. With a view to carrying on the work here, he shifted the headquarters of the Society from New York to Adyar, Madras, in 1882. The key-note of his work was that Indians must have respect for their national religion which was being destroyed by the anti-nationalistic education given by the missionaries and the non-religious instruction imparted in government educational institutions.

- This work of religious revival was continued with greater vigour by the talented Irish lady, Miss Annie Besant who came to India as a member of the Theosophical Society in 1893 and later on became its president. To all intents and purposes she became

* Volume II, page 447

† Annie Besant *India A Nation*, page, 85

a Hindu and entered an energetic and scientific plea in defence of many of the Hindu practices which were being condemned by critics, Hindu as well as non-Hindu. She openly declared her faith in the Vedas and the Upanishads and in the superiority of Hindu culture over that of the West. She defended idol worship which was so mercilessly assailed by the Brahmo and the Aiyā Samaj, she defended the caste system in its original form, and even justified the practice of Sati, of course, only when it was *voluntarily* resorted to by the widow. One might say that under Mrs. Annie Besant, Theosophy in India became identified with Hindu revival. Thus wrote Sir Valentine Chirol in his *Indian Unrest*: 'The advent of the Theosophists, heralded by Madame Blavatsky and Col. Olcott, gave a fresh impetus to the revival, and certainly no Hindu has done so much to organise and consolidate the movement as Mrs. Annie Besant, who, in her Central Hindu College at Benares and her Theosophical Institution at Adyar, near Madras, has openly proclaimed the superiority of the whole Hindu system to the vaunted civilization of the West. Is it surprising that Hindus should turn their backs upon our civilization, when a European of highly trained intellectual power, and with an extra-ordinary gift of eloquence, comes and tells them that it is they who possess, and have from all times possessed, the key to supreme wisdom, that their gods, their philosophy, their morality, are on a higher plane of thought than the West has ever reached'

One of her greatest achievements was the establishment of the Central Hindu School, and the Central Hindu College at Benares which has now grown into the great Hindu University. She did not ignore social reform either. Married boys were not admitted into her Central Hindu High School, and she got pledges from her co-workers and earnest followers not to marry their daughters at an early age. She also arranged to get back into the caste persons who had undertaken a sea voyage to England or other foreign lands. Finally, she organised the Indian Home Rule Movement and suffered imprisonment. She was elected the President of the Congress session in 1918. The Theosophical Society did Hinduism great service by publishing Hindu

Scriptures with translations, and in this way materially contributed to the revival of the faith of educated Hindus in their religion. In its effect upon the Hindu Society it resembled other reform movements. But it did not go in for drastic changes of social customs. It is also interesting to note that because of its toleration and the recognition of truth in all the chief religions of the world, Theosophy is in a very advantageous position to bring about unity between the various religions prevalent in India.

The Ramakrishna Mission.—The Brahmo Samaj and the Arya Samaj arose at a critical moment in the history of Hinduism. They and the Theosophical Society stemmed the tide of events, and repelled the onslaughts made on it by Christianity and Western civilization. They enabled the Hindus to see the teachings of their religion in a new light, and to appreciate and admire them. Thus they put a stop to the cultural conquest of Hinduism that was going on apace. But they cannot be regarded as constituting a complete Hindu renaissance, because each of them took up and emphasised certain elements and aspects of Hinduism and ignored or rejected others as either useless or superstitious. For example, *bhakti* or devotion which is a very important feature of Hinduism, does not find any place in their scheme of life. They also failed to gauge the true purport of idol-worship. The result was that they 'failed to have a comprehensive vision and realise the significance of the vast and splendid array of religious ideas and ideals evolved by the Hindu sages through scores of centuries'.* The deficiency was made good by Sri Ramakrishna whose life and message constitute the complete spiritual renaissance of Hinduism. He 'appeared before the Hindu society with a phenomenal life of intense spirituality, a remarkably broad and synthetic vision of Hinduism' and an extra-ordinarily simple and illuminating exposition of all the ideas and ideals of Hindu theology.† He realized the highest truths of religion in his own life, and demonstrated that God can be realized by following the traditional Hindu methods which

* *Cultural History of India*, Vol. II, page 449

† *Ibid.*, page 451

had been criticised and condemned as superstitious by Christian missionaries. The Hindus could claim that their religion was sound and good, and that they did not stand in need of any imported religion. He thus brought about a mighty-awakening of the traditional Hindu religion with all that it stands for. It carried the implication that in the political sphere also the Indians were quite capable of looking after themselves without foreign interference.

Sri Ramakrishna was a Brahman like Raja Ram Mohan Roy and Swami Dayanand, but without their learning and erudition. He was unlike them in another respect also. He was not at all a radical, and did not denounce old practices. As has been stated above, his life is a vindication of all the great religious ideas and ideals Hinduism stands for. Though he was hardly literate, yet college students like Narendranath who later on became famous as Swami Vivekanand came to him and accepted him as their Guru, and leaders of thought like Keshav Chandra Sen and Bankim Chandra Chatterjee also recognised his greatness. Though he founded no sect or society, he inspired a whole generation. After his death in 1886, about a dozen of his disciples with the great Swami Vivekanand at their head founded an Order called the Ramakrishna Mission. They took the vow of celibacy and poverty, and dedicated themselves to a life of contemplation and service of the poor.

Great as was the full spiritual renaissance of Hinduism which Sri Ramakrishna brought about, his life and experiences were a standing demonstration of a far greater truth, namely, the essential unity underlying all religions. He tried with astounding success the various methods of realising God as recommended by Hinduism, e.g., the worship of Kali as the Mother Divine, meditation on the impersonal and *nirguna* Brahma, and *nirvikalpa* samadhi, and found that they all led to the same end, God-realization. He was firm in his belief that it is the one and the same God who is worshipped by the Hindus as Ishwar or *Paramatman*, by the Muslims as Allah, by the Christians as God, and by other devotees under other names. He would sometimes speak to the following effect. 'I have practised all religions, Hinduism, Islam and

Christianity, and I have also followed the paths of the different Hindu sects. I have found that it is the same God towards whom all are directing their steps though along different paths. Wherever I look, I see men quarreling in the name of religion, the Hindus, the Mohammedans, the Brahmos, the Vaishnavas, and the rest, but they never reflect that it is He who is called Krishna, is also called Shiva, and bears the name of Primitive Energy (Shakti), Jesus and Allah as well—the same Rama with a thousand names.

As Swami Vivekanand had charged his pupil Swami Dayanand with the mission of diffusing the light the latter had received among the people and bring them back to the Vedas, so Sri Ramakrishna charged his most beloved disciple, the great Swami Vivekanand, to serve humanity and broadcast the message of universal religion and not selfishly seek his own salvation. He, together with the Ramkrishna Mission founded by him, became the medium through whom the message of Sri Ramakrishna was communicated to the people of India and the world at large. It may be mentioned that a few days before his passing away Sri Ramkrishna asked to be left alone with him, and after enveloping him in the folds of ecstasy, spoke thus: 'To-day I have given you my all and am now only a poor fakir, possessing nothing. By this power you will do immense good in the world, and not until it is accomplished will you return.'

Fascinating is the story of Swami Vivekanand's visit to America, his appearance at the famous Parliament of Religions held at Chicago in 1893, his taking it by storm by his brilliant defence of Hinduism, the establishment of Vedanta Centres in America and England, his triumphal return to India, his second visit to America and Europe, and his later activities in India, but we cannot narrate it here.* Our main concern here is with the message of Practical Vedanta he gave to the country, and with the way he used to bring about a revival of all that was best, noblest, and most health-giving in Hinduism throughout its evolution. He held that a religion is useless if it does not make its votaries strong and fit enough to face the realities of the situation. In short, he aimed at making Hinduism progressive.

* The student interested in it should refer to the last chapter of the *Cultural Heritage of India*, Vol II, and to Romain Rolland's *The Prophets of New India*.

and adapted to the needs and requirements of the modern age. His recipe for it was to take, up and live up to the sublime truths of the Upanishads and the ideas and ideals of Vedanta. He explained in the course of his lectures how the application of Vedantic ideas would put fresh life into the people and liberalise their outlook. For the propagation of Vedantic ideals and their application in the service of humanity he founded and organised the Ram Krishna Mission. It was to be a permanent organization for the training of 'a corps of standard-bearers who might by their lives as well as by preaching, keep his essentially spiritual ideals aflame'. By his passionate and fiery eloquence and by reminding them of the will of their Master, he persuaded his brother disciples to give up their life of religious individualism and peaceful meditation and band themselves for social and national service. He said to them: 'Where should you go to seek for God? Are not all the poor, the miserable, the weak, Gods? Why not worship them first? Why go to dig a well on the shores of the Ganges? Let these people be your God—think of them, work for them, pray for them incessantly, the Lord will show you the way.'

With the help of money collected by his English and American disciples the Swami built a Math at Belur near Calcutta in 1899. It serves as the headquarters of the Ramakrishna Order of Monks. There are Maths at Mayavati in the Almora district, and Bangalore in the South, and branch monasteries at other places. The Mission has established permanent humanitarian institutions at various places in India, Burma, Ceylon, and the Federated States of Malaya, and a number of preaching centres in America and Europe. The Mission engages itself in educational and humanitarian work, and publishes a few high class magazines of which the *Prabuddha Bharat* is the most well-known.

Minor Movements.—The four great reform movements described above constitute the Hindu Renaissance. Between themselves they have powerfully contributed to the rediscovery of the eternal spirit of Hinduism and the growth of national self-consciousness. Hinduism stands revitalized to-day, it has been freed from theological dogmatism and priestly power. It has

benefitted by contact with the West, and through its messengers like Swami Vivekanand and Swami Ram Tirath it has tried to give the world its message of Practical Vedanta. There have been other minor movements in Hinduism of which a brief mention may be made here. One of them is the Radha Soami or Radha Swami Satsang. It is not a Hindu reform movement aiming at the eradication of social and religious evils as the Brahmo Samaj or the Arya Samaj is, but a body of persons united together by the desire to obtain release from the cycle of birth and death by following the easy method of *Surat Sabad Yoga* as laid down by their Guru. It has its headquarters at Dayalbagh, Agra. The Dayalbagh is a colony by itself comprising about 500 acres of land and having a resident population of a few thousands. It has a fine Intermediate College, an industrial and chemical workshop and school, and an excellent dairy farm. There are branches of the Satsang at Benares, Allahabad and Beas which are now independent of the headquarters at Agra.

It is not a religion on a par with, and as a rival to, Hinduism, Islam or Christianity. It is a school preaching and teaching the *Surat Sabad Yoga*. This yoga, which consists in the effort at concentration of mind and the repetition of a few words which can be communicated only to the initiated, can be practised at any place. The devotees assemble for their monthly *satsang* at the headquarters. On other days they are expected to meditate at their places. It is not necessary for a person to give up his previous faith after initiation. A Muslim or a Christian can become a *satsangi* and remain a Musalman or a Christian. This has made its membership easy. Radha Swamis are not expected to give up their life as householders and become monks. Even the Gurus retain family connections.

The Guru occupies a place of supreme importance in the sect. He is not only the source of revelation to the initiated, but also the means of his salvation. His guidance is indispensable in the journey of the soul to its spiritual destination. The utmost importance is attached to Guru Bhakti. Blind faith in and devotion to the Guru are the essence of the sect. Animal food, intoxicating drinks and drugs which hamper the soul are forbidden.

Participation in active politics, immoderation in permitted things and idle gossip are also discouraged. It lays great emphasis on the observance of ahimsa. Within the group there is happy fellowship; every *Satsangi* sees in every other member a brother irrespective of caste or other differences. Marriages between members of the sect belonging to different castes are becoming more frequent. The *Satsang* thus works as a solvent of the caste system. Its membership is rapidly increasing. It is popular in the Punjab, the U P, and Bihar. It may be pointed out that the *Satsang* claims to be the shortest and easiest method of realising *moksh*. The sayings of Guru Nanak, Kabir and Dadu Saheb are often recited at their congregational worship.

The *Deva Samaj* founded by Pundit Shiv Narayan Agnihotri is another minor movement. Pundit Agnihotri began as a Vedantist believing in an impersonal God, but soon changed to the Brahmo view of a personal God. His rise in the Brahmo Samaj was rapid. He became one of the first missionaries of the Sadharan Brahmo Samaj and adopted Sanyas. He was, however, destined for a more important role. He seceded from the Brahmo Samaj, founded a new sect and organised the *Deva Samaj* with himself as its special Guru and prophet. The Guru doctrine distinguishes this faith from the Brahmo Samaj like which it claims a universal mission. It rejects caste as sinful and keeps its door open to all persons on equal terms. It may also be noted that before his death in 1929 Pundit Agnihotri ceased to believe in God, and his *Deva Samaj* became atheistic.

The Hindu Mahasabha.—Before concluding this review of the major and minor religious and social reform movements in Hinduism it seems desirable to refer briefly to an important Hindu organization called the Hindu Mahasabha. Its aim is the protection and promotion of Hindu interests, the advancement of everything that contributes to the greatness and glory of the Hindu community. It is thus not a purely religious reform movement, but is inspired by political motives. It seeks to bring the Hindus of all denominations on a common platform and to organise and consolidate them so that they may be in a better position to protect themselves in communal rioting or whenever

the necessity for joint action might arise. It also tries to reclaim those who have left the Hindu fold, and is ready to welcome converts from other faiths too. *Sangathan* and *Shuddhi* may thus be regarded as among the primary objectives of the *Mahasabha*. It does not ignore social and religious reform either. It is anxious to remove untouchability and endeavours to improve the conditions of the depressed classes. To revive and promote the ideals of Hindu womanhood, to promote cow-protection, to improve the physique of the Hindus and inculcate the martial spirit in them, to found orphanages and rescue homes for women and widows, to defend the religious, educational, social, economic and political rights and interests of the Hindus, and to encourage the cultivation of good feelings between the Hindus and the non-Hindus are also included among its objectives. It has taken steps to make Hindi the *lingua franca* of India. By defining a Hindu as one who professes a religion of Indian origin it has tried to include the Buddhists and the Sikhs and other communities within the Hindu fold, and has thereby given birth to a pan-Asiatic movement. The late Lala Lajpat Rai, the late Swami Shriaddhanand; and Pundit Madan Mohan Malaviya are amongst its inspirers. Mr. Savaikar, Di Moonje and Di S P Mukerjee are amongst its chief leaders to-day.

A Few Important Individuals.— Besides Raja Ram Mohan Roy, Devendranath Tagore, Keshav Chandra Sen, Sri Ramkrishna Paramhansa, Swami Vivekanand, Swami Dayanand and Mrs Annie Besant who have brought about the present Hindu renaissance through the societies they established or guided, there are several other individuals of note who have made valuable contributions to national awakening and social and religious reform, though they did not found any societies or sects. Among them we might include Swami Ram Tiath, Ranade, Gokhale, Tilak, Rabindranath Tagore and Gandhi. Indians are justly proud of them. It has been the pride of Hindu India to have given birth to such men from time to time as necessity arose. It will not be out of place to say something about each of them.

Swami Ram Tiath was the poet monk and laughing philosopher of India. He was born of a poor Brahman family in the

Punjab, and after having taken his M. A. degree in Mathematics became a professor in the F C College at Lahore. The visit of Swami Vivekanand to Lahore was a turning point in his life. He was inspired to become a sanyasi and preach Practical Vedanta in the West and in his own country. He renounced the world, retired to the Himalayas and realised God. He visited Japan, America and Europe and delivered lectures on Practical Vedanta. He made no disciples. He loved India and felt her low estate which he ascribed to the neglect of practical vedanta. He was washed away by the Ganges near Rikhikesh at the age of 33 in 1906.

Mahadev Govind Ranade who rose to the Judgeship of the Bombay High Court was one of the most important social reform pioneers in Western India. Along with Mr. Behramji Malabari and others he championed the cause of widow remarriage and founded the Widow Remarriage Association in 1861. Through the columns of a Marathi Weekly he urged the people to undertake the work of social reform. He started the Social Reform Conference which used to hold its sessions along with the Congress and which he attended for as long as he lived. His activities in the field of education were fruitful. It was through his efforts that the Deccan Education Society came into existence which is at present responsible for running the Ferguson College at Poona and the Willingdon College at Sangli, two of the premier colleges in the Bombay Presidency. He died in 1901.

Gopal Krishna Gokhale was the pupil of Ranade, and in several respects outshone his preceptor. His greatest contribution is the Servants of India Society which he founded in 1905. Its object is to train national missionaries for the service of the country, and to promote by all constitutional means the interests of the Indian people. Though the work of the Society is mainly political, it has always laid stress on the social, economic and educational work, and has tried to ameliorate the conditions of the depressed classes. Some of its members have founded institutions like the Poona Seva Sadan, the U. P. Seva Samiti, the Bhil Seva Samiti, and the Bombay and the Madras Social Service Leagues. One of them, namely, Thakkar Bapa, is intimately

connected with the Harijan Sevak Sangh. During recent years several of its members have paid attention to rural education and reconstruction. The Society conducts three papers, and has also published several pamphlets on topics of the day.

✦ Bal Gangadhar Tilak, affectionately called Lokmanya by the people was a staunch and ardent patriot. With the exception of Mahatma Gandhi, no other individual has contributed more to the growth of political consciousness in the country than he. But here we are not concerned with his political achievements, our interest lies in what he has done for Hinduism. He was a profound Sanskrit scholar and well versed in Hindu literature. His commentary on the Gita is a monumental work, it has exercised a profound influence on the millions of persons who have read it. Otherwise in the field of social reform he was a conservative.

Another great person whose songs, poems, discourses and writings have enabled the present generation of Hindus to drink deep from the wells of Upanishadic lore, and who has given us a liberal interpretation of Hinduism is Rabindranath Tagore. He ranks with Mahatma Gandhi as an Indian of international repute. He was born in a Brahmo family and was for long connected with the Adi Brahmo Samaj of his father, Devendranath Tagore. He was also an honorary member of the Sadhain Brahmo Samaj. But he outgrew Brahmoism, and may be said to have represented a broad and refined Hinduism shorn of all its reactionary and superstitious elements like the hereditary caste system, untouchability, child marriage and prohibition of widow remarriage. His ideas have found embodiment in the Vishvabharati University at Calcutta.

✦ The contributions of all the individuals enumerated above to the religious and political life of the country pale into insignificance when compared to what Mohandas Karamchand Gandhi has been able to effect. Of his work in the domain of politics this is not the occasion to speak. We shall confine ourselves to a brief account of the changes in the social and religious life of the people which can be traced to his ideas and activities. He has been as great a social and religious reformer as a political leader and fighter. He professes to be the follower

of Sanatan Dharma, i.e., of orthodox Hinduism, but he has given his own interpretation of its essential teachings. The reforms he has sought to introduce into Hinduism can all be gathered from the interpretation he has given to its fundamental teachings. For example, while believing in the Vedas, the Shastras and the other sacred books of the Hindus, he is not prepared to accept as binding upon him whatever is written in them. 'That which is opposed to the fundamental maxims of morality, that which is opposed to trained reason, cannot be claimed as Shastriya, no matter, how ancient it may be'.* If the practices of untouchability, enforced widowhood, and early marriage are contrary to reason and morality, they cannot be right. He has therefore laboured hard for the eradication of these and other evils. The rigidity and the multiplicity of the caste system as it is operative to-day are also opposed to reason, therefore he would not support them. But since there is nothing wrong or immoral about the original system of the four castes, he believes in that. According to him caste divisions assign duties and confer no privileges, therefore the question of the superiority of one caste over another does not arise. He does not favour inter-dining as it stands in the way of a rapid evolution of the soul, but does not admit that it deprives a man of his caste. He is for giving the utmost freedom to women, and shudders at the thought of a child widow. He condemns the *Devadasi* system and the practice of slaughtering animals as a sacrifice to God in the name of religion. The result of such views is a vitalised and expanded Hinduism. Orthodox Hinduism, says Gandhiji, has become moribund, inactive, and unresponsive to growth, because we are fatigued. He has been able to vitalise it back into life and make it dynamic. To him Hinduism is a relentless pursuit after Truth; and he seeks Truth and applies it to the service of humanity. Truth, Service and Love or Ahimsa constitute his Trinity.

By introducing religion into politics he has purified the latter and lifted it to a higher plane. For him there is no politics devoid of religion. 'Politics bereft of religion are a death-trap because they kill the soul'. This is his great message to mankind. It

* *Young India*, October 20, 1927, quoted in *The Aryan Path*, October, 1914

should be borne in mind that his message is universal, though delivered in India and in terms of Indian political and social conditions, it is meant for the whole human race

SIKHISM

More than three hundred years before Raja Ram Mohan Roy and more than three hundred and fifty years before Swami Dayanand, Guru Nanak (1469-1538) had led a movement of protest and revolt against the rituals, dogmas and superstitions of the then prevailing Hinduism or Brahmanism as it might be called. He was born of Kshatriya parents in a village near Lahore. In his childhood he learnt Sanskrit, Hindi and Persian, and was much influenced by the teachings of Kabir and other saints. He travelled in southern India and came into contact with its Vedanta philosophy. He also visited Baghdad, Mecca and other cities of Muslim culture and became acquainted with the mystical side of Islam. His teachings show the influence of these sources. He rejected caste and the supremacy of the Brahman, he denounced idolatry and pilgrimages and laid stress on the purity of heart. He tried to remove the emphasis on mere forms and rituals which divided people and made them quarrel with one another. He accepted the theory of transmigration, but repudiated the doctrine of divine incarnation. He believed in the existence of one God, the same for all mankind, Hindus, Muslims, Christians and others, and enjoyed the bliss of union with Him. He also deprecated asceticism and advised his followers to go on with their ordinary vocations. He became very popular with both Hindus and Muslims and enrolled followers from both religious communities. It is said that when he died, both Hindus and Muslims claimed to dispose of his dead body according to their respective rites. When the piece of cloth that lay over the dead body was removed, there was nothing underneath it but flowers. The piece of cloth was divided into two parts, one was cremated by the Hindus and the other buried by the Muslims. His followers came to be known as the Sikhs. He was followed by a line of nine other Gurus, the last of whom was the great Guru Govind Singh who converted this peaceful group into a warlike and martial community. He also added a good deal of fresh material to the *Adi*

Granth compiled by the fifth Guru ; and the result was the *Granth Sahib*, the holy book of the Sikhs. Guru Govind Singh did not appoint any one to succeed him as Guru, but asked the Sikhs to take the *Granth Sahib* for their Guru. From this one can easily understand the unique place this holy book occupies in Sikhism. Guru Govind Singh also instituted the Sikh Khalsa and gave it a ritual analogous to the Christian *baptism* by which it can receive converts from other faiths. Sikhism is a proselytising religion to-day. It has deeply affected the life of the people in north-western India.

From the preceding account it would appear that Sikhism was a Hindu reform movement started in the latter part of the fifteenth century, comparable to the Brahmo Samaj and the Arya Samaj started much later. Guru Nanak did not preach any new religion; he simply criticised and tried to reform the religions that existed at that time. 'That Sikhism stands for no new religion distinct from Hinduism is also evident from the fact that with the slackening of the reformist spirit, the Sikhs drifted towards Hindu rites and practices. Caste crept back into them and idols found their way into their homes and even temples'.* At present there is, however, a strong section among the Sikhs which claims for Sikhism a separate niche among the main religions of India. The Sikhs are mostly found in the Punjab and the Phulkian States and number a little less than 57 lakhs. They have their headquarters at Amritsar where their famous Golden Temple is situated. Their claim to rank as a separate religious community entitled to separate communal representation has given rise to a well-nigh insoluble problem in the Punjab.

The spirit of reform that invaded the Punjab with the establishment of a branch of the Arya Samaj at Lahore by Swami Dayanand affected the Sikhs also. As early as 1905 they threw out the idols which had found their way into the Golden Temple. At a later date they started a strong movement for the reform and proper management of their shrines and Gurudwaras in the course of which they came into conflict with the British Government and adopted the method of non-violent resistance as taught by Mahatma

* Farquhar *Modern Religious Movements in India*, page 340

Gandhi They have not ignored education Their most important institution is the Khalsa College at Amritsar. They have a net-work of schools all over the Punjab The work of social reform is going on on lines advocated by the Hindu social reformers They want to abolish caste distinctions which have crept amongst them ; they advocate remarriage of widows, plead for temperance, and want to raise the age of marriage

ISLAM IN INDIA

Next to Hinduism, the religion which has the largest following in India is Islam It is not an indigenous creed but was brought into this country by the Muslim invaders It was founded by Lord Muhammad, and its tenets and doctrines are contained in the Quran which the Muslims believe to have been revealed by God to their great Prophet Islam stands for a stern and uncompromising monotheism and is opposed to every form of idolatry. It is also highly democratic and preaches the equality of all who repose their faith in the Prophet It recognises no caste distinctions and enjoins upon all its followers a life of faith and prayer It does not admit the necessity of any priestly class to act as an intermediary between the faithful and God and maintains that an individual can approach God directly It has laid down a definite creed and a definite code of conduct binding upon all true Muslims from which they dare not depart Recitation of the Kalma, five prayers a day, fast during the month of Ramzan, alms-giving and pilgrimage to Mecca are amongst the duties of the faithful Islam does not encourage freedom of thought and conscience In this respect it stands in sharp contrast to Hinduism Being a synthesis achieved in the course of centuries, Hinduism is not a creed which admits of being summed up in a few short and simple tenets On the contrary, being the creation of a single mind Islam is a creedal religion, and therefore insists upon conformity to its doctrines It is sometimes said that Hinduism is idolatrous and polytheistic, while Islam is iconoclastic and rigidly monotheistic Hinduism is, of course, idolatrous in the sense that it recommends the worship of idols or images to persons who are not sufficiently advanced intellectually and spiritually, it is, however not idolatrous inasmuch as it maintains that idol worship is neither

the highest form of worship nor is indispensable for realising God. We have already seen that in its higher form Hinduism is monotheistic. Nay, it goes even a step further than Islam and Christianity and maintains belief in an *impersonal* God. It is not necessary to dwell on other points of difference between the two religions. What is more relevant and important to remember is the fact that in its Indian form Islam has been influenced by Hindu beliefs and practices. Indian Islam shows the influence of Hinduism. It is true that the 'Muslims, coming as conquerors, may not have consciously borrowed anything from Hinduism. The fact, however, remains that not only its rank and file but its learned men also have been indirectly influenced to a large extent by contact with the Hindus. 'The Shias are much nearer Hinduism than the Sunnis. The Khojas, whose tenets are a mixture of Vaishnava and Shia doctrines, hold that Ali is the tenth incarnation of Vishnu. Sufism is akin to Advait Vedanta. It believes in the non-dual Absolute and looks upon the world as the reflection of God who is conceived as light. The Sufis abstain from animal food, believe in rebirth and incarnation. The dogmatism of Islam was toned down in India *"

In this connection it is worth remembering that, as has been remarked more than once in earlier pages, the Hindu converts to Islam who constitute the bulk of the Indian Muslims brought with them to their new fold their ethnic heritage in the form of customs, traditions, social institutions like the joint family system, enforced widowhood, caste distinctions and even priestly ceremonies, and thus reduced the contrast between the two faiths.

The blending of the Hindu and the Muslim faiths is best illustrated in the religion Akbar attempted to found. The teachings of saints like Kabir, Nanak and Dadu also exhibit such a blending. There are undoubted differences between the two great religions, but not so great or fundamental as is sometimes taken for granted. The thesis Dara Shikoh attempted to prove in his treatise that the differences between Hindus and Muslims are matters of language and expression seems to contain a good deal of truth. The conflict between the two communities is not religious

* Radhakrishnan *Eastern Religions and Western Thought*, page 339

in character but mainly political. Interested persons give it a religious colouring to serve their selfish ends. But more of it later on. Here we are interested more in the Muslim reform movements.

Muslim Reform Movements :— The opening of the nineteenth century found the Muslims of India in a low and degenerate condition. The great Mogul Empire was crumbling, power was being transferred steadily to British hands. The loss of political power and prestige brought about wide-spread degradation. Matters were made worse by the failure of the community to take advantage of the new education that was being imparted by the rulers. This left the Muslims backward in education, illiteracy reached a higher percentage among them than among other communities. The high standard kept up till then in the intellectual sphere declined. In the domain of religion itself the mass conversions of the earlier periods produced their own effects. The Muslim saints came to be worshipped like Hindu gods by converts from Hinduism. The worship of relics also crept into the Islamic religion. The Muharram processions began to partake of the character of Rath processions of the Hindu festivals. Learned men began to connive at such innovations. There was thus need for reform in Islam, and some movements did appear. But the form assumed by several of them was very much different from that of the Hindu movements we have studied, they were not so progressive as the latter were. But one of them was progressive. It was destined to have far-reaching effects on the Muslim community and inspire it with a new life and vision. This is associated with the name of Sir Syed Ahmad Khan (1817-98), one of the greatest Muslims of his day and a great social and religious reformer.

The Aligarh Movement — Sir Syed Ahmad tried hard to remove the prejudice the ruling authority entertained against the Muslim community as having been responsible for the Sepoy Mutiny of 1857, and was very successful. He also sought to rouse his community to self-confidence and vigorous effort, and wanted it to return to the simplicity of primitive Islam. The one sovereign remedy he prescribed for all the ills his community

was suffering from was western education against which there was a deep-seated prejudice among Muslim divines and other persons brought up in the old tradition. He fought very hard against the prejudice and told his people that there was nothing contrary to the principles of Islam in western education. Had not the Prophet himself said · 'Go even to the walls of China for the sake of learning'? He was firmly convinced that the salvation of his community lay in adopting the western system of education and cooperating with the British. He urged that there was no religious reason why Muslims should not dine on the same table with the Europeans provided there was no forbidden food. He himself adopted the western style of living and invited Europeans to his house and accepted their hospitality. He was slandered and persecuted for holding such views, but ultimately he triumphed, and in the last years of his life exercised a marvellous ascendancy over Muslim opinion. With the help of friends holding similar views he established the great M A O College at Aligarh which has now become the famous Muslim University. This is the premier Muslim educational institution, and has played a notable part in shaping and moulding the thoughts and character of the thousands of Muslim students who have flocked to it from all parts of India. A second notable achievement of Sir Syed was the setting up of the Mohammedan Educational Conference. It meets annually at some big city, and has given a great push to education among the Muslims.

Other Movements — To meet the challenge implied in the activities of the Christian missionaries and the Aiyā Samaj a society called Anjuman-i-Himayat-i-Islam, i. e., Society for the Defence of Islam was brought into existence at Lahore in 1885. Its objects included the provision of proper education for Muslim boys and girls which would save them from abjuring their religion, the making of arrangements for the maintenance and education of Muslim orphans, answering the accusations advanced against Islam by its critics, and improving the social, moral and intellectual conditions of the Muslim community. It has several High and Middle Schools for boys and girls, and a College at Lahore.

With a view to the advancement and reform of education in Arabic schools, the promotion of social reform, and the suppression of religious quarrels, a society called Nadwat-ul-Ulema was brought into existence at Lucknow in 1894. It founded and still maintains a School of Theology where preachers are trained on modern lines

Mention may also be made of the movement started by Muza Gulam Ahmad of Qadian (1839-1908). It rests on his claim to be regarded as the Christian Messiah, the Muhammedan Mahdi, and the final incarnation of Vishnu. He said that his birth was meant not only for the reformation of Islam but for the regeneration of Hinduism and Christianity as well. His followers are found among the Muslims of the Punjab; his claim to be a Hindu Avatar and the Christian Messiah is, however, recognised neither by the Hindus nor by the Christians.

The Muslim movements outlined above have been mainly religious. The question of social reform has, however, not been neglected. There have been loud and vigorous protests against the evil practice of the Purdah which has been responsible for the comparatively backward condition of Muslim women. Abdul Halim Sharar, Khan Bahadur Syed Akbar Hussain of Allahabad, and Sir Muhammad Iqbal have been among the caustic critics of the Purdah. There has been good progress in matters relating to marriage. The age of marriage has risen, and polygamy is becoming rarer; but unfortunately cousin-marriages are still very common among the propertied classes. There has been some reform in the dower system also. The dower the bridegroom gives to the bride is now being recognised as her property and not that of the family. It may also be noted that like his Hindu compeer, the educated Muslim youth is becoming more secular and less religious in his outlook on life. This is the inevitable result of the western education in vogue in the country.

Reference should also be made to two socio-religious movements which are mainly confined to Muslims and have important political bearings, namely, the *Khudai-Khidmatgar* and the *Khaksar* organisations.

The Khudai-Khidmatgars:— The originator and inspirer of the Khudai-Khidmatgar movement which literally means the movement of the Servants of God, is Khan Abdul Gaffar Khan, popularly known as the Frontier Gandhi on account of his simple, sincere and deeply religious nature. Originally the movement was one of social uplift, designed to remove the serious social evils which made the inhabitants of the North-West Frontier Province and the Tribal areas backward, poor and unprogressive. They were very much disunited, inter-tribal rivalry sometimes led to blood-feuds and devastating vengeance. They kept fighting among themselves and could not unite and organise themselves for the promotion of common ends. In consequence they remained poor, illiterate and superstitious, leading hard lives. Khan Abdul Gaffar Khan saw all this, and his deep love for his people inspired him to organise a movement for their uplift. He went from village to village, preaching the religion of brotherhood and unity, and service of man. Under his inspiring leadership the untutored and warlike Pathan has, since, imbibed the lesson of mutual help and co-operation, and forgiveness and love. He has adopted the strategy of non-violence. During the several civil disobedience movements launched by the Indian National Congress under the leadership of Mahatma Gandhi, the erstwhile ferocious Pathan gave a marvellous display of non-violence. The Khudai Khidmatgars joined the Congress when their leader and his subordinates realised that their problems could not be solved without the help of India as a whole. They saw that freedom or independence was necessary for the realisation of their goal, and that independence could not be won without uniting with all those who wanted it. This perhaps is as great a refutation of Pakistan as one can desire.

The movement is not confined to the Muslims alone, there are a few Hindus in it as well, as volunteers and officers in the towns. Their percentage is however very small.

The Khaksars — The Khaksar movement had a somewhat different origin. Its founder, Mr Inayat Ullah Khan, popularly known as Allama Mashinqi, a brilliant M. A. of the Punjab University and a Cambridge Wrangler, was for some time a government

official in the education department. He saw the national-cum-Khilafat movement rise and dissipate itself in 1921, and was also a witness to the internecine struggle between the Hindus and the Mohammedans in the years following the hey-day of the Non-violent Non-co-operation movement. He felt that the national struggle suffered from weak and ineffective emotionalism. According to him what the nation wants is unity and a group of sturdy and energetic men ready to carry out orders efficiently and unflinchingly. Unity can be achieved best through a programme of social service irrespective of caste and creed, and courage and sturdiness can be cultivated through drills and parades in a semi-military fashion. The Khaksar movement thus lays stress on militarist training and social service, and has developed elaborate and attractive methods. The members of the organisation meet every evening in their picturesque uniform and go through military parades for an hour or so. Every Khaksar carries a spade or *belcha* as a symbol of the movement. The discipline of the movement has been rigorous, even some of its higher officers have had to submit themselves to disciplinary measures for breach of rules.

The movement seems to have no well-defined goal. Its leader, Allama Mashiqi once wrote in his journal, *the Light*, to the effect that he was busy collecting 'bricks, lime and mortar, so that to discuss the completed edifice would be irrelevant'. He also added that his Khaksar 'does not know exactly what he stands for. He has but to do and die as he is ordered'. It is predominantly Muslim in its appeal and composition, though there are a few non-Muslim members also.

The movement was organised in 1931. For the first one or two years it progressed without coming into conflict with anybody. But later on it invited the opposition of the Maulanas by attacking them. Their opposition did not produce any appreciable effect on its progress, and it continued to grow in strength and influence. It was believed by many that it was encouraged by the British Government. At a still later stage in 1939 it came into clash with the Government of the United Provinces which prevented the entry of a belcha-armed contingent of Khaksars from the

Punjab which wanted to proceed to Lucknow to impose its own solution of the Shia-Sunni dispute on the rival parties. A few months later the Khaksars defied the ban imposed on them by the Punjab Government and came into clash with the police which fired upon them resulting in several casualties. The Lahore episode was the part of a province-wide *coup*, plans for which were discovered by the government secret service † Its leader was arrested and detained in prison for about three years. He was released only when he issued a proclamation from the jail to his followers asking them to discontinue the wearing of their uniforms, the carrying of belchas or any other weapon, and their military parades and drills. At the present time the movement is lawful, but its activities are seriously curtailed.

Interaction between Hinduism and Islam.— We have more than once referred to the fact that Islam in India has been very much influenced by Hindu ideas and practices. In his customs and manners an Indian Muslim is much nearer to his Hindu neighbour than to the Muslim Turk or the Arab. This is due to two facts. A great bulk of the Indian Muslims is ethnically Hindu. The Hindu converts to Islam have retained many of their former customs and practices. This accounts for the appearance of something like the Hindu caste distinctions, joint family, feeling against the remarriage of widows, worship of relics, worship of saints, the Muharram processions which are like the Rath Yatrias of Hindus, and belief in omens and magic-practices which are quite contrary to the Quranic injunctions. The Muslim Rajputs and Jats supplement the Islamic by the Hindu ritual on occasions of birth, death and marriage. In villages the Muslims try to propitiate the local deities during times of distress. A second reason for this is to be found in the 'familiar phenomenon' that when a conquered race is held in subjection under a military form of government, its civilization has a reflex action on its conqueror *. The same thing happened in India. Here the process was facilitated by the fact above referred to. It may not be irrelevant to mention here that several Muslim scholars like Alberuni mastered Sanskrit and translated into Persian many

† See Wilfred Cantwell Smith *Modern Islam in India*, Page 281.

* O'Malley *Modern India and the West*, page 6

Sanskrit works which led to a great appreciation of Hindu achievements in Science and Philosophy

The immediate effect of subjection to Muslim heteronomy on the Hindu community was of a negative character. In sheer self-defence against the onslaught of Islam with its iconoclasm, equality and brotherhood of the faithful, and stern monotheism, Hinduism shrank into its shell and adopted the attitude of non-cooperation. This explains the prohibition of inter-dining and inter-marriage with the Muslims. This in turn made the caste system rigid. Its fetters were tightened, and the practices of early marriage and *purdah* found their way into the Hindu community. At a much later stage the influence of the monotheistic and non-idolatrious character of Islam was reflected in the rise of the sect of Ramanand of Benares which was based on the idea of equality of man before God, and of saints like Kabir, Nanak and Dadu in the Punjab. We have already seen that these teachings of Islam had a great effect on the mind of Raja Ram Mohan Roy. It can thus be maintained that contact with the Muslims acted as a solvent on many Hindu beliefs and gave birth to many reform movements. The Hindu rajas followed the example of the Moghul rulers and adopted their office procedure and court etiquette.

The results of the contact between the Hindu and the Muslim culture are thus described by O'Malley. 'Both Muslims and Hindus gave to and received from each other intellectual impulses, and there was a certain synthesis of culture, to which the Muslims made contributions of substantial value. Their architecture, in particular, introduced new forms of buildings, such as the arch, the dome, and the minaret, and new features of style. Their earlier buildings were marked by a grandeur symbolic of the power of Islam and a somewhat stern simplicity, which seems to have been alien to the Hindu genius, their later buildings combine grace and strength with purity of line and are to this day recognized as masterpieces of architectural skill. Both alike were affected by Hindu workmanship, Islamic forms being modified by Hindu builders.*' Such a mutual and reciprocal effect is also visible in the domains of painting, music and dancing.

* *Op cit* page 8

Painting developed from the sixteenth century onwards in common schools with which Hindus and Muslims were alike associated. Music and dancing also became common. 'In all these spheres there emerged by the 18th century a solid and permanent achievement, basically Indian, strictly speaking neither Hindu nor Muslim in technique.'[†] The growth of Urdu also may be traced to this contact between the two cultures.*

CHRISTIANITY IN INDIA

Christianity which is one of the principal religions of the world has adherents in India who number about six millions according to the 1941 census. Like Islam, Christianity is non-Indian in origin. It is said to have been preached for the first time in this land by St Thomas, one of the Apostles. Early in the fourth century large numbers of Syrian Christians sought refuge from persecution, and came over to India and settled along the Coromandel coast. They were hospitably received by the ruling princes and became a part of the State. The second influx of Christians occurred in the fifteenth and sixteenth centuries with the advent of the Portuguese who began to make conversions to their faith. Had it not been for the rise and establishment of the Christian power in India and the noble and humanitarian work done by Christian missionaries from the beginning of the nineteenth century onward, Christianity would not have become so important a factor in the social and political life of the country as it is to-day. It must be said to the credit of the Indian Christians that instead of making the political problem difficult and complicated as the Muslims may be said

[†] Dr Beni Prasad *The Hindu Muslim Questions*, page 11.

* The rapprochement between the Hindus and the Muslims as a result of living together for several centuries in India is thus described by Dr Beni Prasad in his *Hindu Muslim Questions*, page 12.

'Caste and creed forbade inter-marriage but there were classes to which Hindus and Muslims alike belonged—classes of peasants, landlords, traders, artisans and labourers, soldiers, government servants etc. Within a class, Hindus and Muslims were often undistinguishable from each other in dress, housing, etiquette and manners, whether in villages or in towns. The position of women, the age of marriage and even some wedding rituals were uniform within a class and common to its Hindu and its Muslim members. It was only natural that Hindus and Muslims should join one another's festivals. There was a broad identity of economic interests which held a class together and cut across the religious cleavage. Behind it all was the similarity in the standards set up by Hindu and Muslim ethical codes''

to have done, they have put themselves in line with the advanced political thought of the country and assisted in the growth of the political consciousness of the people. We also do not hear of any inherent incompatibility between Christianity and Hinduism as we sometimes do about Islam and Hinduism. No Hindu-Christian riots have disfigured the life in the country and made social life bitter as Hindu-Muslim disturbances have done.

The foreign Christian Missions have given a great impetus to the spread of western education in the country. It would be remembered that the first college was established in Calcutta by Raja Ram Mohan Roy with the help of Duff. The personal example set by many notable heads of Christian colleges has helped to build up character among the students receiving their education in those institutions. The Missions have also set up an ideal of social service which the Brahmo Samaj, the Arya Samaj and the Ramkrishna Mission have adopted. The work done by them in connection with the amelioration of the miserable conditions of the untouchables has also inspired similar efforts on the part of Hindu agencies. The influence of Christian ideas may be traced in the effort to effect reform in other social matters also. It has been substantial in amount and significance.

PARSEES

A few words may be added about the Parsees also who, being persecuted in their own country centuries ago, sought refuge in our country and got it. They made India their home and invited others to join them. In the security India gave them the original purity of their faith also suffered, and many meaningless forms entered their religion. Thus it also stood in need of reform. Reform did come as in Hinduism and other faiths, but it was not the result of the activities of any single individual. The Parsees were able to assimilate the new education and thus reform themselves. They appropriated the best it had to give them, and elevated the position of their women and raised the age of marriage. They observe no Parda. They live in peace and amity with other communities.

The contribution of the Parsi community to the economic and political life of the country is very great. The names of Dadabhai Naoroji, Sir Ferozshah Mehta and Sir Dinshaw Edulji Wacha in the political, of the Tatas in the industrial field, and of Behramji Malabari in the sphere of social reform are prominent.

Chapter IV

THE NATIONAL MOVEMENT IN INDIA

Importance of the National Movement.— Great as the cultural and spiritual renaissance of Hinduism described in the previous chapter is, the emergence of the national movement to which it contributed in no small measure is an event of still greater significance for the proper understanding of the present phase of our national activities. The whole country resounds to-day with the cry for independence or self-government. The story of this demand for national freedom is the most fascinating, and constitutes the most outstanding and significant event in our recent history. It is indissolubly connected with the rise and growth of the Indian National Congress. In the decades preceding the birth of the Congress in 1885 there was hardly any political life in the country. The sentiment of nationalism had not become a moving force, and no one thought of self-rule or popular government. The masses seemed to be happy under the British rule. The consciousness of the humiliation involved in subjection to a foreign power and the resentment against autocratic government did not exist to any appreciable extent. It is the work of the Indian National Congress to have made the people of the country conscious of their national unity, conscious too of the insult to national self-respect involved in foreign rule, and to aspire for national freedom. To-day we notice that all Indians without distinction of race and religion are united in their demand for the ending of foreign rule. In this chapter we propose to study the way in which the nation has wrought for freedom, that is, the rise and growth of the Indian National Congress.

Factors that gave rise to the National Movement.— (1) *Religious Awakening.*— The establishment of the Congress in 1885 was made possible by a series of events which had taken place in the preceding half of the century. The foremost among them was the spiritual and cultural renaissance of Hinduism. It cannot be denied that under the conditions that prevailed in the country in the period preceding the birth of Raja Ram Mohan Roy no political or national movement was possible. The people had sunk very low and had lost confidence in themselves and their

culture* Before any political awakening could take place, the stupefying influence of contact with an apparently superior culture and civilization had to be counteracted, the faith of the people in themselves and their glorious heritage had to be revived. This was achieved by the various reform movements described in the last chapter. In a very real sense the political renaissance of our country started with the great Raja Ram Mohan Roy who has been aptly described as the Prophet of Indian Nationalism. Swami Dayanand also inculcated in the people the spirit of independence and love for India and things Indian. He was the first leader to have proclaimed 'India for Indians'. So great was the influence of the Arya Samaj in imbuing the people of North India with the spirit of nationalism that for long it was suspect in the eyes of the Government. In the Bombay Presidency the members of the Prarthana Samaj carried on social and religious reform work which produced a great effect in the political sphere. In the South Col. Olcott and Mrs. Besant of the Theosophical Society rendered great service to the cause of nationalism by revealing to our countrymen their glorious past and their inherently superior civilization ‡ They exhorted the people to stand by their ancient religion and civilization. The influence of Sri Ramakrishna Paramhansa and his great and famous disciple, Swami Vivekanand who is rightly described as the Patriot Saint of India, in making Indians feel proud of their ancient heritage was no less than that of other religious reformers. It is thus obvious that the work of religious reformers (beginning with Raja Ram Mohan Roy up to the present time) and the religious awakening they brought about were among the most potent causes of the growth of Indian Nationalism. They inspired respect for our cultural heritage and stimulated the patriotic impulse. It is worth remembering that on previous occasions also religious inspiration was the cause of political awakening. It was the religious teaching of Samarth Guru Ramdas which made Shivaji possible, and it was Guru Govind Singh who really laid the foundations of the Sikh rule in the Punjab.

Somewhat similar was the effect of the work done by European

* For an account of this Dark Age of India see *supra* page 105

‡ See above, page 120,

scholars like Max Müller, Monier Williams, Roth, Sassoon and others who were full of praise for the ancient Indian culture and civilization. They revealed to the educated Indian as well as to the Western reader the glory and greatness of ancient India and made the former feel discontented and dissatisfied with his lot and conditions.

(11) *Western Education*. — Another factor whose contribution to the inception of the Indian national movement was scarcely less vital and important was contact with western thought and literature. Whatever might have been the motives of the persons who held that the duty of the Company's Government was to promote English education as against oriental learning, it remains true that the part played by western education in the evolution of Indian nationalism is exceedingly great. It 'brought Indians in touch with the best English thought — with the works of Milton, Burke, Mill, Macaulay, Herbert Spencer and others— and instilled in them the life-giving conceptions of liberty, nationality and self-government'. It is not too much to say that the call of self-government and the cult of nationalism would not have come to us with such force and so quickly if those responsible for the destinies of India in the thirties of the last century had decided to promote oriental learning instead of giving encouragement to English education. The effect of the study of English literature thus made available to the Indian students is thus described by Rabindranath Tagore: 'We had come to know England through her glorious literature, which had brought a new inspiration into our young lives. The English authors, whose books and poems we studied, were full of love for humanity, justice, and freedom. This great literary tradition had come down to us from the revolution period. We felt its power in Wordsworth's sonnets about human liberty. We gloried in it even in the immature productions of Shelley, written in the enthusiasm of his youth, when he declared against the tyranny of priestcraft and preached the overthrow of all despotisms through the power of suffering bravely endured. All this fired our youthful imaginations. We believed with all our simple faith that even if we rebelled against foreign

rule, we should have the sympathy of the west. We felt that England was on our side in wishing to gain our freedom.† Though this passage refers to a later period, the thought it embodies is as equally applicable to an earlier stage.

¶ Fully to weigh the role of Western influence in developing nationalism in this country we must also consider the experiences of those who went to England for completing their education and imbibed there the spirit of equality, freedom and independence. On their return home they found absence of equality between Indians and Britishers, aloofness and rigidity on the part of the latter in place of the complete social equality and cordiality they had received during their stay in England. They naturally felt discontented and their discontentment was highly infectious.

English education conferred another boon on us. It made it possible for persons from the different parts of the country to come together and discuss, through the medium of a language they all could understand, the affairs which affected them all alike. In the absence of such a *lingua franca* for the whole country the evolution of an institution like the Indian National Congress would have been extremely difficult

English education has not, however, been an unmixed blessing. Its early effects were, in one direction, disastrous. Many of those who received it lost their sense of balance and proportion and became denationalised, they lost all regard for the ancient culture and began to ape European manners. Several of them were weaned from their ancestral religion and accepted Christianity. Even several leaders of the Brahmo Samaj were strongly influenced by Christian beliefs and Church rituals. These evil effects were, however, considerably counter-balanced by the example and teachings of Sri Ramakrishna Paramahansa in Bengal, the rise of the Arya Samaj in the North West, and Theosophy in the South. On the whole the decision to promote western science and knowledge taken by the Company's government in 1833 at the instance of Macaulay was productive of much good to the country. It created the soil in which the seed of nationalism could sprout and bear fruit

† Quoted by Andrews *The Rise and Growth of the Congress*, page 80.

(iii) *The Economic Factor.* — It may not be out of place at this stage to refer to the economic policy pursued by the Government of the East India Company as one of the contributory causes of the unrest prevailing in the country before and after the transfer of power from the Company to the Crown. As a result of the deliberate strangulation of our cottage industries the country was becoming poor and its wealth was being drained away in several subtle ways. If to this we add the top heavy and extravagant system of administration and the costly wars in which the government indulged in pursuit of its policy of territorial extension, we have sufficient cause for educated and intelligent people feeling dissatisfaction and resentment against the government.

(iv) Another factor, partly economic and partly political, which prepared the ground for the emergence of the national movement may also be noted. This is the fact that the policy of appointing Indians to high government posts which was embodied in the Act of 1833 was not given effect to for a very long time. The Act laid down that 'fitness is henceforth to be the criterion of eligibility', and 'that no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, or employment under the said Company.' This raised high hopes in the minds of the educated classes, but they were not fulfilled. No Indian was appointed to a single responsible post for the succeeding twenty years. The result was that when the time for the renewal of the Company's Charter came in 1853, the inhabitants of the three Presidencies sent largely signed petitions to the British Parliament opposing the grant of any further extension to the Company. This was perhaps the first manifestation of the awakening of public and political life in the country. It also demonstrates that the resentment and bitterness caused by the exclusion of the people of the country from high government posts and the non-fulfilment of promises is a highly potent factor in the growth of the spirit of nationalism. On subsequent occasions also the folly of British Government in making promises to the ear and breaking them to the heart has added fuel to the fire of nationalism. In her Royal Proclamation issued in 1858 soon after the assumption of responsibility of the government

of India Queen Victoria announced : 'It is our further will that, so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to offices in our service the duties of which they may be qualified by their educational ability and integrity duly to discharge.' This declaration has not yet been given effect to fully, there are offices to which Indians have never been appointed even though they are in every way qualified for them, e g, the Home Membership and the Finance Membership of the Government of India, the Governorship of an Indian province (with one exception), high and responsible posts in the military, to say nothing of the Governor-generalship of the country.

(v) Political Factor — In the seventies of the last century many notable events occurred the outcome of which was the establishment of the Congress in 1885. After a year's hard work in England Surendranath Bannerjee passed the open competitive examination for the Indian Civil Service in 1869 but was disqualified on account of a technical discrepancy along with another successful candidate. This act roused bitter and intense indignation in India, more particularly in Bengal, and many notable and leading personalities and the press condemned it. The matter was referred to the Queen's Bench Division for adjudication, and it was decided in favour of the disqualified candidates and they were reinstated in the Civil Service. Mr Surendranath Bannerjee came to India and was posted as an Assistant Magistrate in November 1871. But after about two years service he was dismissed on certain flimsy charges. He writes about this incident in his autobiography as under 'My case excited very strong feeling in the Indian community, and the general belief among my countrymen was that, if I were not an Indian, I would not have been put to all this trouble, and that the head and front of my offence was that I had entered the sacred preserves of the Indian Civil Service, which so far had been jealously guarded against invasion by the children of the soil. Many years afterwards a Lieutenant Governor told me that it was a wicked proceeding.* It should be remembered that in spite of Queen Victoria's Royal Proclamation Mr Surendranath Bannerjee was the *second* Indian to be appointed to the Civil Service. Later on Mr Atabindo

* *A Nation in Making*, page 29

Ghosh was also disqualified for the Civil Service on technical grounds. Such treatment meted out to the sons of the soil could not but produce resentment and bitterness. The observations of Mr. Banerjee on his dismissal made in his autobiography '*A Nation in Making*' are worth quoting in full. He writes 'I felt that I had suffered because I was an Indian, a member of a community that lay disorganized, had no public opinion, and no voice in the councils of their government. I felt with all the passionate warmth of youth that we were helots, hewers of wood and drawers of water in the land of our birth. The personal wrong done to me was an illustration of the helpless impotency of our people. Were others to suffer in the future as I had suffered in the past? They *must*, I thought to myself, unless we were capable as a community of redressing our wrongs and protecting our rights, personal and collective. In the midst of impending ruin and dark, frowning misfortune, I formed the determination of addressing myself to the task of helping our helpless people in this direction'*. The first thing he did on his return from England where he had gone a second time to qualify for the Bar was to start the Indian Association which was designed to be a political association to represent the educated middle class. This Association came into existence in 1876, and soon became the centre of leading representatives of the educated community and focussed their public spirit. The decision of the Secretary of State for India to reduce the maximum age limit for the open competitive examination for the Indian Civil Service held in England from twenty-one to nineteen years made it almost impossible for Indian students to compete for this examination. This most reactionary act gave the new Association an opportunity to realise some of its ideals. It resolved upon organizing a national movement. A great public meeting was held at Calcutta on March 24, 1877. Surendranath Banerjee was deputed to visit different provinces and hold meetings in important towns. He visited Lahore, Amritsar, Meerut, Allahabad, Cawnpore, Lucknow,

* Pages 32-33 It should be remembered that Mr. Surendranath Banerjee was shut out from the Bar by the Benchers of the Middle Temple on the ground that he had been dismissed from the Civil Service

Aligarh and Benares, addressed crowded meetings, and wherever possible, established political organizations to act in concert with the Indian Association. A network of organizations was thus established, and foundations for united and concerted action laid. *Wisely has it been remarked that reactionary rulers oftentimes create great public movements. This agitation against the lowering of the age limit marked the beginning of national awakening, unity of action and solidarity of purpose. It showed, in the words of Surendranath Banerjee himself, that 'whatever might be our differences in respect of race and language, or social and religious institutions, the people of India could combine and unite for the attainment of their common political ends.'

The lowering of the age limit for the Civil Service examination was not the only act which gave the Indian Association an opportunity for conducting a nation-wide agitation. The regime of Lord Lytton as Governor-General was full of such acts. He held an Imperial Durbar at Delhi to announce Queen Victoria as the Empress of India. The Durbar was held in 1877 at a time when parts of the country were in the grip of a severe famine. This provoked from a Calcutta journalist the comment that Nero was fiddling when Rome was burning. The Durbar however came as a blessing in disguise. It struck men like Surendranath Banerjee who had gone there as a press representative that 'if the princes and the nobles in the land could be forced to form a pageant for the glorification of an autocratic Viceroy, why could not the people be gathered together to unite themselves to restrain, by constitutional means and methods, the spirit of autocratic rule'† The idea was discussed in associations and the press, took root in the minds of leading persons, and finally led to the establishment of the Indian National Congress. Thus sometimes good cometh out of evil.

Lord Lytton was responsible for putting on the statute book two most obnoxious measures, the Vernacular Press Act of 1878, and the Indian Arms Act of the same year. In 1835 the government of Sir Charles Metcalf had abolished the strict censorship

* *Ibid*, page 51

† A. C. Mazumdar *Indian National Revolution*, pages 32-33

imposed upon the press since 1799, and restored its freedom. Since then the vernacular press began to progress rapidly, and by 1877 there were 644 newspapers in British India, and a great majority of them were conducted in vernacular. The educated people had developed a taste for paper reading, and even the illiterate would love to listen to 'a single reader of these papers at a stationery stall or a grocer's shop'. Some of these papers might have been unbalanced in their criticism of the government, but they never lost touch with the new spirit of the age. The government of Lord Lytton got alarmed at the rapid growth of the power of the press and on the 13th of March, 1878 sent a telegram to the Secretary of State seeking permission to enact a special measure to stop the activities of the press which were becoming seditious. The permission was obtained the next day, and within two hours the Vernacular Press Act was passed. This Act, popularly known as the Gaggling Act, roused a storm of protest all over the country, most particularly in Bengal where it was enforced with great stringency. A monster meeting was held in Calcutta to protest against it. Regarding this meeting Mr Surendranath Banerjee writes as follows: 'It was one of the most successful meetings ever held in Calcutta. It sounded the death-knell of the Vernacular Press Act, and what is more important, it disclosed the growing power of the middle class, who could act with effect for the protection of their interests, even though the wealthier classes were lukewarm, and official pressure was openly arrayed against them. It indeed marked a definite and progressive stage in national evolution, and was the creation of the builders of the Indian Association'.* The agitation was continued and the Act repealed four years later by Lord Ripon.

The Arms Act was another terrible engine of repression. It still stands on the statute book in spite of the repeated efforts of the National Congress to get it repealed. It makes it a penal offence to keep or bear arms and to traffic in arms without a license. Heavy penalties are imposed for infringing the provisions of the Act. Licenses are very sparingly granted. One of the worst features of the Act was the racial discrimination it introduced. The

* *A Nation in Making*, page 62

rules made under it exempt from its operation Europeans, Anglo-Indians and certain government officials. It has emasculated the whole nation and made it impossible for the people to offer resistance to any foreign invader. Recently, however, there has been some relaxation in some of its provisions

Amongst other foolish things done by the government of Lord Lytton which drove the country into despair were the wanton invasion of Kabul followed by the second Afghan War, the costly experiment of establishing a 'scientific frontier', and the abolition of the cotton import duties to placate Lancashire. As a result of these and other actions, 'the state of things at the end of Lord Lytton's regime was bordering on revolution'

(vi) *Ilbert Bill Agitation* — The diverse events described above, effective as they were in having stimulated political awakening among the educated middle class on a somewhat national scale, antedated the founding of the Congress by several years. None of them was an *immediate* occasion for the great event of 1885, which the opposition against the Ilbert Bill organised by the Europeans in India proved to be. This topic deserves a few words.

According to the then existing law Europeans outside the Presidency towns could be tried only by European judges or magistrates. Indian magistrates, whatever their rank might be, were not empowered to try them even though their European subordinates, if any, had that power. This was an anomaly and an invidious distinction between Indian and European members of the Indian Civil Service. On a representation being made by an Indian I. C. S. the matter was taken up by the government of Lord Ripon whose Law Member, Sir Courtney Ilbert introduced a measure in the Legislative Council in 1883. It was designed to remove the highly objectionable disqualification attaching to the Indian judges and magistrates in the trial of European offenders, and thus do away with the racial discrimination involved. But the Bill met with such stern and bitter opposition from the European community, both official and non-official, that it had to be withdrawn.*

* We are not here concerned with the further progress of the Bill in a modified form. It is sufficient to state that a compromise was arrived at between the Government and the Europeans according to which the Indian District Magistrates and Sessions Judges were empowered to try European accused on condition that the latter were given the right to claim trial by jury at least half of whom must be European members.

The manner in which the Europeans organised the agitation by setting up a defence association with its head-quarters at Calcutta and branches in different parts of the country and collecting one lakh and a half of rupees for meeting the expenses was an object lesson to the Indians whose support to the Bill was weak and almost unorganised.

The Ilbert Bill agitation was an eye-opener to the Indians in several ways. In the first place, it clearly showed that justice was not to be expected where vested interests and privileges of the governing race were involved. In the second place, it demonstrated the value of organised agitation. People realised that in political matters what mattered was not the justice of the cause but united and concerted action. They 'further felt that if political advancement were to be achieved, it could only be by the *organisation of a national assembly wholly devoted to wider politics than hitherto pursued in the different provinces independently of each other*'.¹ The idea caught the imagination of thinking persons in Bombay, Bengal and Madras Presidencies where new associations came into being to create public opinion upon political, social and economic matters. These associations were the fore-runners of the Indian National Congress.

The Indian Association of Bengal called a 'National Conference' in Calcutta in 1883. It was attended by leading men from all over the province. It was in this conference that Surendranath Banerjee exhorted the people to organise and unite for the cause of the *country*. It adopted a programme of action substantially similar to the one adopted by the Congress two years later. Its three days session and the enthusiasm and eagerness which characterised its activities were later on to become features of the Congress. A Provincial Conference was also held in Madras in 1884. In Bombay also the Bombay Presidency Association was ushered into existence in January 1885, in which persons like Mr Badiuddin Tyebjee, Pherozshah Mehta, K. T. Telang, and Dinshaw Eduljee Wacha took part. In this connection it is also necessary to mention that in December 1884 after the Annual Convention of the Theosophical Society at Adyar was

over, seventeen prominent men representing all parts of India met at the house of Dewan Bahadur Raghunath Rao in Madras, 'to find ways and means of bringing together Indian politicians to inaugurate a political movement for the regeneration and reform of methods of government of this country, calculated to promote a future advance towards Swaraj.' They resolved 'to form themselves into a group of provisional committee, men from different towns to win others, each in his own place, and to meet later for further consultation.'

The Birth of the Congress — While these associations were being formed in different provinces and the press was urging the people to unite on a common platform and under a common standard, Mr. A. O. Hume, a retired civilian, wrote a letter to the graduates of the Calcutta University and appealed to them to volunteer for national service. According to Mr. A. C. Mazumdar, the appeal did not go in vain, the Indian National Union was formed towards the close of 1884. In March 1885 the Union decided to hold a meeting of representative Indians from the different parts of the country at Poona during the Christmas week. This conference was to be called with the two-fold object of enabling all the earnest workers in the cause of the country to become acquainted with one another, and discussing and deciding upon the political operations to be undertaken during the ensuing year. Mr. Hume was put in charge of organising it and settling the details. From several points of view Mr. Hume was the best person for this responsible duty. He made full use of his position as an ex-civilian in enlisting official sympathy and support. He paid a visit to England and succeeded in securing the goodwill and interest of several men of eminence there. The official sympathy thus obtained was highly useful in helping the Congress to get a good start. Owing to an outbreak of cholera at Poona a few days before the Conference was to meet, its venue had to be shifted to Bombay, much to the disappointment of the Poona citizens. The delegates to the Conference arrived at Bombay on the morning of December 27, 1885, and the regular session started the next day. The Conference came to be known as the Indian National Congress.

This is the commencement of the great national institution which through its chequered career has continued till this day to express the national sentiments, put forth the national demands and forge a sanction behind them. It has served the country with a single-minded devotion and courage of which every one connected with it may reasonably be proud, and which has endeared it to every Indian heart.

THE INDIAN NATIONAL CONGRESS

Its Character and Objects. — An account of the character and objects of the Indian National Congress would form the best introduction to a study of its rise and growth. As its name indicates, it is a *national* organization, as distinguished from sectional, sectarian and communal bodies. It is *national*, because it represents no particular community, no particular class, and no particular interest. It claims to represent all interests and all communities, and to speak in the name and on behalf of the Indian nation as a whole. Several factors have contributed to impress this national character on it. No single community and no single province can claim it as its exclusive possession. From its inception in 1885 members of different communities, and persons hailing from all parts of the country have helped it to become what it is to-day. Hindus and Muslims, Parsis and Sikhs, Christians and even Europeans and Anglo-Indians, all have contributed to its growth. Its membership is open to all men and women who love India and are prepared to work and suffer for her sake, irrespective of distinctions of caste and creed, race and colour. It was first conceived in the brain of an Englishman, A. O. Hume, who is still affectionately known as its father. It was nursed during its infancy by two noble-minded Parsis, Sir Pherozeshah Mehta and Dadabhoi Naoroji. From its commencement it had the good wishes of Muslims like Badruddin Tyabji and 'reformed' Bengalis like Womesh Chunder Bonnerjee. The persons who conceived it and helped to bring it into existence not only belonged to different communities and came from different provinces, they also had an all-India outlook. This all-India outlook the Congress has never for a moment relinquished or forgotten. It has looked at and examined the various problems which have engaged its attention during more than half a century of its

existence, from this all-India point of view. In the solutions of these problems which it has offered, it has guided itself only by considering the good of India as an indivisible whole. It has not allowed its judgment to be vitiated by communal, sectarian, or provincial considerations. The fact that its annual sessions have rotated from place to place, and the further fact that whatever the venue of the sessions, the delegates have mustered strong from every part of the country, have enabled it to retain its all-India or national character and outlook. It commenced as an organization of the middle classes, but after sometime began to include delegates from the rural areas and labouring classes as well. The decision to hold the annual sessions in villages removed from cities given effect to from 1937, has helped it to become the representative of the dumb, semi-starved millions scattered over the length and breadth of the land in its seven lakhs of villages. Those who accuse it of being an organization of the Hindus or the capitalists, of the landlords or the peasants, or who consider it as only one other party in the country on a level with the Muslim League or the Depressed Class Association, do not know what they affirm, their fulminations have no basis in reality. The fact that certain individuals and the associations controlled by them do not admit the claim of the Congress to represent and speak for the whole nation, does not detract from the justice of the Congress claim. By right of service it can legitimately claim to speak in the name of the entire Indian nation.

While its *national* character has suffered no alteration during its chequered career of more than half a century, the objective of the Congress has undoubtedly undergone many and significant changes. Its methods have changed with the changes in its goal. In the beginning its objective was rather modest. It was nothing more ambitious than the organization of public opinion in the country on questions of national importance and the removal of grievances of Indians in a constitutional manner. Shri Womesh Chandra Bonnerjee, who presided over the first session of the Congress in 1885, laid down the following as the objects of the Congress in his presidential address

"1 The promotion of personal intimacy and friendship amongst all the more earnest workers in our country's cause in the various parts of the empire

2. The eradication by directly friendly personal intercourse of all possible race, creed or provincial prejudices amongst all lovers of the country, and the fuller development and consolidation of those sentiments of national unity that took their origin in our beloved Lord Ripon's ever memorable reign

3. The authoritative record of the matured opinions of the educated classes in India on some of the more important and pressing of the social questions of the day

4. The determination of the methods by which during the next twelve months it is desirable for native politicians to labour in public interests "

An examination of the resolutions passed at the annual sessions of the Congress during the first few years of its life shows that it demanded piece-meal reforms in the administration of the country in an almost prayerful language. Council reform was one of its main points. In 1890 it sent a deputation to England to represent, in terms of one of its resolutions, 'the views of the Congress and to press upon the attention of the British public the political reforms which the Congress advocates'. The political reforms referred to in this resolution concerned the expansion and reconstruction of the Legislative Councils, on a democratic basis. The Congress advocated that the Councils should contain a fifty per cent elected strength, and that the representatives of the people should be given larger powers. The fact that it conceded the principle of indirect election to the Local Councils and the Supreme Council and the further fact that it also conceded to the Government the right of over-ruling the decisions of these expanded Councils, show that the Congress demands were characterised by diffidence. It is not surprising that it should be so. The Congress was in its infancy and had not yet developed self-consciousness and the power of self-assertion. It was not till the rise and dominance of the left wing that it developed this consciousness and this power. Then it gave up the attitude of prayerfulness and importunity and the method of political mendicancy, and began to demand self-government as a matter of right. It required a Lokmanya Tilak to declare in a forceful manner "Swaraj is my birthright, and I shall have it." The word *Swaraj* was not uttered from the Congress

platform till 1906 when the veteran leader Dadabhoy Naoroji, the Grand Old Man of India, declared in his Presidential address that Self-government or "Swaraj" like that of the United Kingdom or the Colonies is the object of the Congress. The declaration of Swaraj as the Congress goal did not lead to any modification of its method of work. It continued to pin its faith in the sense of justice and fairplay of the British nation, and hoped that once the British Government were fully informed of the desires of Indians and of the situation in the country, they would rise equal to the occasion and establish truly representative institutions in the country and give the people the right to govern it in the interests of India. For long after the famous utterance of Dadabhoy this hope and fond belief continued to form the basis of Congress resolutions and speeches. It was not till the advent of Mahatma Gandhi and his disillusionment as a result of the Amritsar tragedy that the Congress changed its method. It repudiated the method of representation and learned to depend on its own strength to enforce its demands. It created a country-wide organization, carried on political propaganda among the masses and led campaigns of direct action. Today its goal is Complete Independence or Purna Swaraj, and its method is Non-violent Civil Disobedience. There have thus been far-reaching and fundamental changes in the objective and methods of the Congress.

The history of the Congress can be divided into five distinct periods. The first period covers its career from its inception in 1885 to 1907, when the Congress split into two camps at Surat. The second dates from 1908 to 1915, during which the extremists remained outside it. The third covers the years 1916 to 1919, the fourth commenced in 1920 when it resorted to direct action. The last period may be said to date from the midnight of December 31, 1929, when the flag of *Complete Independence* was hoisted on the banks of the Ravi.

As will be evident from the foregoing, political questions loomed large in the deliberations and discussions of the Congress from the start. It was not till William Digby and Dadabhoy Naoroji revealed the impoverishment of the country as a consequence of the economic policies of the British Government that it became

interested in the economic questions which began to take their rightful place in the thoughts of the leading congressmen. It is Mahatma Gandhi, however, who has made the poverty of the masses a live issue before the nation and taken concrete steps to ameliorate their condition.

First Phase.— A few features of the Congress during its first phase which might be said to have terminated in 1907 with the famous Surat split, may be mentioned here. It contained almost all the noted Indians of those years with the exception of Sir Syed Ahmad who held aloof from the national movement. Men like Dadabhoi Naorojee, Sir Pherozeshah Mehta, Sir Dinshaw Wacha, Ranade, Telang, Tyebjee, Tilak, Gokhale, Surendranath Bannerjee, Anand Mohan Bose, Motilal Ghosh, Rash Behari Ghosh, Womesh Chandra Bannerjee, Bipin Chandra Pal, Arabindo Ghosh, Lajpat Rai, Pt. Malaviya, Subramania Iyer, Sir Sankaran Nair, and liberal-minded Europeans like Hume, Wedderburn, Yule and Norton, were closely associated with it. It was a truly *national* body. In this respect it stands contrasted with the present day Congress, from the membership of which we have to exclude liberal or moderate leaders, Muslim Leaguers, Hindu Sabhaites and members of several other communal organizations. This fact, however, does not militate against its claim to represent the Indian Nation and speak on its behalf.

In the second place, with the exception of Lokmanya Tilak, none of its leaders was in touch with the masses. The Congress voiced the demands and aspirations of the *educated middle class*. In his presidential address at the Poona Congress of 1895, Mr Surendranath Bannerjee declared that he was not aware if any responsible congressman had ever asked for representative institutions for the masses. He added the words : 'We should be satisfied if we obtain representative institutions of modified character for the educated community, who by reason of their culture and enlightenment, their assimilation of English ideas, and their familiarity with English methods of government, might be presumed to be qualified for such a boon.' This attitude stands in sharp contrast to the position of the Congress of to-day which demands *Purna Swaraj* for the benefit of the *masses*, and not merely for the gain of the educated middle class. Lastly, it may

be pointed out that, with the exception of Tilak and a few others like Lala Lajpat Rai, the Congress leaders in general believed in 'political mendicancy and not in self-reliant action'. This does not mean any detraction from their great work, it simply draws attention to the change in the situation that has developed since then. The change from belief in *constitutional* agitation characteristic of the Congress till 1918 to the adoption of *direct* action is due to the leadership of Mahatma Gandhi.

Before closing this account of the first phase of the career of the Congress it seems necessary to refer briefly to one special activity of it which throws a flood of light on its mentality and method of work. Mention has already been made of a deputation which was sent to England in 1890 to educate British public opinion and enlist its support for the Congress programme of Council reform. Along with that deputation a committee of five Englishmen was appointed to carry on work in England. It consisted of George Yule, A. O. Hume, J. Adam, Eardley Norton and J. E. Howard. A sum of Rs 45,000/- was voted to cover the expenses. This committee issued pamphlets giving general information, organised meetings in large towns, supplied speakers to numerous other social and political gatherings where Indian questions were discussed, and conducted a monthly journal called '*India*' which made facts concerning this country known to the authorities and the British public. It was converted into a weekly paper, and continued to do useful work till 1921 when it was stopped by the Congress. This clearly demonstrates that the leaders of the Congress in its earlier phase had an abiding faith in British integrity and sense of fair play and justice. They believed that they had only to state their cause fully and convince the Britishers of its inherent justice, and the doors of Jingo would open to them. Hence their trust in the method of representation and petitioning, in the method of 'political mendicancy' as its critics characterise it.

Birth of Extremism — But while the elderly leaders stuck to their faith in constitutional methods and believed that the most glaring defects of British Indian administration could be remedied by appealing to the British Parliament, a younger generation was

rising with a different outlook and mentality. A new party arose in the Congress headed by the three great leaders, Bal Gangadhar Tilak, Lajpat Rai and Bepin Chandra Pal, which ultimately led to the split at Surat, and which was compelled to stay away from the Congress from 1908 to 1915. A study of the events which led to the birth of this party with a new programme of action is very necessary with a view to a proper understanding of subsequent developments in the Congress ideology and methods of work.

(i) After the passage of the Parliament Act of 1892 there was little achievement which could be credited to the Congress efforts. From 1892 to 1907 it used to pass resolutions pleading for reform and expansion of the Legislative Councils, the separation of the judiciary from the executive, simultaneous examinations for the 'Civil Service' in India and England, the reduction of military expenditure, a larger share in the higher government services for Indians, the admission of Indians to the Executive Council of the Governor-General and the India Council, reduction of the cost of administration, and the lowering of the burden of taxation upon the people of India. They had little influence, however, on the authorities in this country and England. The Government of British India paid no heed to what the Congress said or asked for. The absence of any response from Government made the younger section of the Congress impatient, they began to question the utility of the method of representation, 'the method of mendicancy' as they preferred to call it, and lost faith in British justice and integrity. The reformed Councils also failed to satisfy the people; there was great disappointment in the country at the paucity of results achieved by the people's representatives in them.

(ii) A great famine, 'the most intense and severe famine ever then known under British rule', occurred in 1896-97 affecting about 70 000 square miles in different regions, and a total population of about twenty millions. The relief machinery set up by the Government was inadequate, slow moving and badly organized. There was great hardship and suffering in the country. To add to the misery of the people there broke out in a virulent form an epidemic of bubonic plague which caused great havoc in the western parts of the Bombay Presidency. The measures adopted by the

Government of Bombay to combat this epidemic caused great resentment and bitterness among the people. One of the gravest defects of the famine-relief and plague-prevention measures taken by the Government was that the entire work was left in the hands of government officials most of whom belonged to a different race and could not work so selflessly and zealously as non-official Indian agencies could do. The nation stood watching helplessly while millions were starving and dying. It brought their own helplessness home to them.

(iii) So great was the resentment of the people against the unpopular Plague Commissioner of Poona, Mr. Rand, for the provocative measures he had taken, and so strong was the criticism in the press, specially in the *Kesari*, edited by Lokmanya Tilak, that riots broke out and one sensitive young man shot dead Mr. Rand and his associate Lt. Ayerst. This was followed by great repression all over Maharashtra. Tilak was tried for having instigated the murder of Rand and Ayerst by his speeches and writings and sentenced to eighteen months imprisonment. He was not given leave to appeal to the Privy Council. This sentence and the refusal of leave to appeal raised a storm of indignation throughout the length and breadth of the country. The comment made by the *Hindu* of Madras on this episode is highly significant and worth quoting. It wrote 'Nothing has happened during these forty years to remind the people more of their abject helplessness and to give more poignancy to their consciousness of their political subjection than the recent doings of the Bombay Government.'

(iv) More important than these causes was the highly reactionary policy of the government of Lord Curzon whose seven years' regime was full of 'missions, omissions and commissions'. This high priest of British imperialism trod underfoot the ambitions and aspirations of renaissance India. His frontier policy and the mission to Lhasa were bitterly criticised. The Official Secrets Act of 1904, the Calcutta Corporation Act and the Indian Universities Act which were designed to officialise these bodies under the plea of reforming them went clearly against the spirit of the times and evoked universal criticism. What was worse was the fact that he

* Quoted by Andrews *The Rise and Growth of the Congress*, page 198

expressed in unequivocal terms his conviction about the unfitness of Indians for holding high offices in the government, and gratuitously charged the educated classes among them with untruthfulness. Here is what he said in his Calcutta University Convocation speech, 'Undoubtedly truth took a high place in the codes of the West before it had been similarly honoured in the East, where craftiness and diplomatic wile have always been held in high repute' This false and unjust charge against Indian character evoked strong condemnation, and retorts were published in the Indian press.

(v) This was not all ; the worst and the most foolish act of his Viceroyalty was still to come in the shape of the Partition of Bengal which he forced on the country against the will of the people of Bengal. It was generally believed by the educated sections that the partition of the province was designed with the sinister motive of destroying 'the growing solidarity of Bengali nationalism' and driving a wedge between the Hindus and the Muslims of Bengal to create disunity between them. Mr A C Mazumdar says that Lord Curzon toured East Bengal and addressed huge gatherings of Muslims and explained to them that his object in partitioning the province was not merely to relieve the Bengal administration but also to create a Mohammedan province where Islam could be predominant and its followers in ascendancy *

The people of Bengal resolved not to take this insult and humiliation lying down. They felt the challenge had been thrown to them, and they accepted it. They determined to carry on an intense agitation against this mischievous move. It was realised that the mere passing of protest resolutions at meetings called for the purpose would not suffice, the government of Lord Curzon had shown a contemptuous disregard for public opinion. Something more tangible and more vigorous which the imperialist could understand and appreciate was needed. Somebody hit upon the idea of *boycotting* British goods, as a forceful retaliatory measure. It was in harmony with the spirit of *Swadeshi* which was already making headway, and was consequently adopted. The people were asked to take a pledge to abstain from purchasing

* *Indian National Evolution*, page 207.

British manufactured commodities so long as the Partition was not annulled and 'as a protest against the indifference of the British public in regard to Indian affairs and the consequent disregard of Indian public opinion by the present Government'*. The boycott movement was a tremendous success, old and young, men and women, all were engulfed by it. Students refused to answer the question paper in an examination until *swadeshi* paper was supplied to them on which to write their answers, even young girls returned the presents sent to them by their relations in case they happened to be foreign. The success of the movement exasperated the bureaucracy which then resorted to repressive measures to break it. But these measures only served to fan the public excitement all the more, and unrest grew apace. One result of the policy of repression launched by the Government was the appearance of what has been called the 'terrorist movement'. It came rapidly to a head, the ruthlessness of the police was answered by the violence of the secret conspirators. In this way a new phenomenon appeared on the political horizon of India.

(vi) At its 1904 session the Congress passed resolutions protesting against the effort to officialise education and the Calcutta Corporation. It also resolved to send a deputation headed by that year's President, Sir Henry Cotton, to wait upon the Viceroy with the resolutions. Lord Curzon, however, refused to receive the deputation. The Congress felt insulted and sent Mr. Gokhale and Lala Lajpat Rai to England. On returning from there Lala Lajpat Rai told his countrymen that 'the British democracy was too busy with its own affairs to do anything for them, that the British press was not willing to champion Indian aspirations, that it was hard to get a hearing in England, and that the influence and the credit of Anglo-Indians was too strong to be met successfully by the necessarily inadequate agitation which the Congress could set up in England'†. In brief Lala Lajpat Rai asked his countrymen to stand on their own feet and to depend upon their own efforts to achieve political reforms.

* Part of the resolution that was to be passed at meetings to be held on August 7, 1905

† *Young India* quoted by G N Singh, *op cit* pages 294—5.

(vii) Outside India also there occurred incidents which helped to change the outlook of the new generation. The Indian nationals were being subjected to discriminating and humiliating treatment in British colonies, specially in South Africa. There was also the defeat of the Italian army by the Abyssinians in 1896, and of Russia by Japan in 1905. These events and national movements in other lands made a profound impression on Young India which began to ask : 'May we not also be able to challenge Great Britain sometime in the future ?'

The cumulative effect of these events and forces was the emergence of a new party within the Congress led by Tilak, Bepin Chandra Pal and Lajpat Rai. It became known as the extremist party and was openly in revolt against the method of political mendicancy. Tilak's slogan 'Freedom is my birth-right, and I shall have it' represents the new spirit. The difference between the new and the old party was one of method and not that of purpose. Both parties alike wanted to bring pressure on the bureaucracy and make it realise that all was not well with India. But whereas the old party clung to the method of representation, deputation and appealing to the sense of justice, the new party held that in politics there was no place for philanthropy, and instead of relying on British generosity, it recommended self-reliant independent action. Boycott of foreign goods, encouragement of Swadeshi and establishment of national institutions figured prominently in its programme. The party may be said to have been formed in 1905 when it held its inaugural sitting in the Congress pandal. It remained in the Congress till 1907 when there was a trial of strength at the Surat session between it and the *old moderate* party, resulting in triumph for the latter and the exclusion of the former from the Congress.

The Surat Congress appointed a committee of about a hundred prominent persons to draft a constitution for the Indian National Congress and frame rules for conducting its meetings. The committee met at Allahabad in April and drew up a constitution and a set of rules for it. The Congress creed as set forth in this constitution is important and deserves quotation in full. Article 1 runs as follows :

'The objects of the Indian National Congress are the attainment

by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire, and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means, by bringing about a steady reform of the existing system of administration, and by promoting national unity, fostering public spirit, and developing and organising the intellectual, moral, economic and industrial resources of the country.'

The new constitution definitely excluded from the Congress all the workers in the national cause who advocated a bolder, more active and effective method of action, and eschewed boycott and passive resistance on which Tilak and his associates had laid stress. It lent a new lease of authority to the moderates in the Indian National Congress. They reigned supreme for some time. The British Government indirectly helped them to control the Congress by arresting and imprisoning or deporting the leaders of the extremist group like Tilak and Lajpat Rai.

Government Policy—At this stage the British Government was engaged in a two-fold task. The growth of extremism in the Congress, the appearance of terrorism in Bengal, Maharashtra and Madras, and the agrarian unrest in the Punjab had made it nervous. It wanted to rally the moderates, the Muslims and the landlords round itself, and to this end Lord Minto announced in April 1907 that he had sent to the Secretary of State a despatch proposing political reforms on a liberal basis. On the other hand, it adopted stern measures to put down political extremism and revolutionary activities. As stated above, the Government deported Lala Lajpat Rai and Sardar Ajit Singh without trial to Mandalay in May 1907. This action stunned the people of India, for Lala Lajpat Rai was known to be an honest and a courageous political worker and social reformer who always worked in the open and never participated in secret or underhand activities. In Bengal a regular campaign was started against the press and many editors and printers were tried and sentenced. A number of persons believed to be involved in terrorist activities were arrested and some of them executed. These trials and executions led to several new political murders. The country was thus

involved in a vicious circle - government repressive measures led to revolutionary activities and these in turn intensified the former. The story was repeated in Maharashtra, the Punjab and the Madras Presidency. It is unnecessary to go into details. Suffice it to say that the period 1906-10 was a period of unprecedented revolutionary activities on the one side and terrible repression on the other. The Government of India put on the statute book two Acts. One was the Seditious Meetings Act of 1907 which gave local authorities the power to prohibit any person from addressing any public meeting and to place restrictions upon the holding of such meetings. The object was to smother political life in the country. The second was the Newspaper (Incitement to Offences) Act of 1908. It gave the District Magistrate the power to confiscate any printing press where a newspaper was being printed which, in his opinion, incited the people to violence. It also empowered him to annul the declaration made by the printer or the publisher of the paper under another Act, and thus made it impossible for the paper to run. Yet another engine of repression was brought into existence. In December 1908 the Criminal Law Amendment Act was pushed through the Legislative Council. It prescribed a special form of trial for terrorist offences and also empowered the Government to declare any association unlawful. Under it the volunteer associations which were working in Bengal from 1902 were declared unlawful, and thereafter ceased to function. Under Regulation III of 1818 nine leading men of Bengal were deported without trial. In Bombay Lokmanya Tilak was sentenced to six years imprisonment for having written some articles in his paper, the *Kesari*. The editors of three other papers were also sent to jail. The stalwarts of the Old Congress Party looked on helplessly while all political life in the country was thus being killed.

At this stage a few words about the reforms introduced in 1909, generally known as the Morley-Minto Reforms, would not be out of place. These reforms did not introduce any revolutionary change in the system of government in India, in no way can they be regarded as the forerunner of responsible government. They simply enlarged the provincial legislative councils and gave

them non-official (not elected) majorities. Members were given greater freedom in asking questions and criticising the doings of the executive. Members could now move resolutions and raise points of order. But the resolutions passed by the Council were not binding on the executive, they were merely recommendatory in nature. The Central Legislative Council was also expanded. The system of election by qualified persons was conceded, and with this there was introduced into the body politic the most dangerous and the most harmful principle of communal representation through separate electorates which has been a formidable obstacle in the way of our national progress.

The Congress which met at Madras in 1908 welcomed the outlines of the reforms as contained in Lord Morley's despatch and passed the following resolution.

'This Congress desires to give expression to the deep and general satisfaction with which the Reform proposals formulated in Lord Morley's Despatch have been received throughout the country. . . It tenders to Lord Morley and Lord Minto its most sincere and grateful thanks for their proposals. . . This Congress expresses the confident hope that the details of the proposed scheme will be worked out in the same liberal spirit in which its main provisions have been conceived.'

But the hope referred to in the concluding portion of this resolution was *smashed* by the Regulations made to give effect to the provisions of the Act of 1909. The following resolution was passed by the Congress which met at Lahore in 1909: 'This Congress deems its duty to place on record its strong disapproval of the creation of separate electorates on the basis of religion and regrets that the Regulations framed under the Act have not been framed in the same liberal spirit in which Lord Morley's despatch of last year was conceived. ' The chief fault of these Regulations was that they gave unjust preference to certain sections of the society at the cost of others. The landlords and the Muslims were selected for special treatment. It appeared that the chief purpose of the Reforms was to include a large number of landlords and Mohammedans in the Legislative Councils, and that the Government was bent upon setting one community against the other. It may be added that after the Act

of 1909 had been passed by the British Parliament, one Indian was added to the Viceroy's Executive Council and one to the India Council of the Secretary of State for India

We have reviewed the twin policy of repression and reform pursued by the Government of British India during the years 1906—10. One might well ask: What was its net result? Was it able to satisfy and please the moderates, and did it exterminate extremism and revolutionary activities from the country? To what extent the Old Congress party was contented we have already seen, the resolution passed at the Lahore session of 1909 which has been quoted above reveals the deep dissatisfaction prevailing in the Congress ranks. The Press in India and England also condemned the electoral system introduced by the Reforms. In one of the London papers, *The New Age*, a writer commented upon the proposals in these words: 'They are tainted all over with a degrading appeal to class interests and always upon class interests.*' The activities of the revolutionaries to suppress which the drastic legislative measures were placed on the statute book continued unabated. We need not dwell upon them here. The reader who is interested in them is referred to the report of the Indian Seditious Committee. Our main concern is with the Indian National Congress which is no way connected with them.

The Second Phase — There is not much worth noting in the proceedings of the Congress from 1908 to 1915. It was dominated by politicians of the moderate school and had lost intimate touch with the radical element. The enthusiasm of the young members had waned to a great extent. It continued to pass resolutions demanding improvement in Council Regulations, the repeal of the Press Act, a larger share for Indians in appointments to the public services, the abolition of the India Council etc., but was not able to achieve any substantial or tangible results, in spite of the loyal welcome it accorded to the King on the occasion of his visit to this country in 1911. It expressed its 'profound gratitude for his gracious announcement modifying the Partition of Bengal'. It may be mentioned in passing that Miss Annie Besant joined the Congress in 1914.

* Quoted from the *Hindustan Review* by G. N. Singh, *op. cit.* page 396

The session of the Congress held at Lucknow in 1916 was one of the most important sessions in the annals of the national organisation. It was marked by the re-entry of the extremist party under the leadership of Lokmanya Tilak who had come out after serving his period in the jail. For the first time after the split at Surat in 1907 politicians belonging to different schools of thought in the country deliberated together at Lucknow. But more important than this reunion of the extremist and the moderate sections was the *approachment* between the Indian National Congress and the Muslim League for which ground was being prepared during the two preceding years. The Muslim League was brought into existence in 1906 as a counterpoise to the Congress, and had so far kept itself aloof from the latter organisation. It is worthy of note that Mr M. A. Jinnah who was a staunch congressman in those days had refrained from joining the purely communal organisation of the Muslims, and was closely associated with the move to bring the two associations into close cooperation. The result was the Congress-League scheme of reforms. It was accepted by both the Congress and the League at their annual sessions which were pre-arranged to be held at the same place, viz., Lucknow. The Congress had to pay a heavy price for this unity and cooperation between the two organizations. It had to agree to the principle of separate communal representation which is anti-national and anti-democratic, — a principle which it had consistently opposed ever since it was accepted by the British government and given effect to in the Morley-Minto Reforms of 1909. It is true that the Congress consented to the system of communal electorates under the belief that it was to be a temporary arrangement to be abandoned at a later date. As later events have shown, the belief was built on sands. Instead of being given up, the system is spreading with a vengeance and has turned to be the greatest obstacle to national unity. What was hailed as a force to cement national unity has now become an apple of discord and a fruitful source of continual communal bitterness and strife. The Congress also agreed to the principle of weightage to minorities, and to that of the communal veto in legislation. The Congress-League scheme of constitutional reforms was sent to the Government for being implemented. But, even though it had the full and

enthusiastic support of all the political parties in the country, it was summarily rejected by the British authorities. They merely took over from it the communal agreement it contained, and incorporated it in the Reforms of 1919.

The Great War of 1914—18 in which India was involved and to the winning of which she made notable contribution in men and money, gave a great fillip to the national movement. The declarations on behalf of the Allies that the war was being fought 'to make the world safe for democracy', that thenceforth every nation, small or big, would have the right of self-determination, that no nation, however small or weak, could be forced to live under a form of government it did not like, were believed to be true by the leaders and the people of India. They began to think that after the war a new heaven would descend on the country. The wish expressed by the British Prime Minister that the Indians were 'joint and *equal*' custodians of our common interests,' engendered in their minds the thought that their country would occupy an honoured and proud place in the comity of nations and that her sons would be valued and trusted as comrades and friends. The Congress therefore gave full support to the Government of India in its war efforts, and at its 1915 session held at Bombay, passed a resolution affirming that the time was ripe for further substantial reforms which would put the nation well on the road to self-government by introducing provincial autonomy with financial independence and giving an enlarged control of the legislature over the executive. The resolution passed at the Lucknow Congress of 1916 deserves to be quoted in full. It ran thus :

"That, having regard to the fact that the great communities of India are the inheritors of ancient civilizations, and have shown great capacity for government and administration, and to the progress in education and public spirit made by them during a century of British rule, and further, having regard to the fact that the present system of government does not satisfy the legitimate aspirations of the people and has become unsuited to the existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a proclamation announcing that it is the aim and intention

of British policy to confer self-government on India at an early date ; that this Congress demands that a definite step should be taken towards self-government by granting reforms contained in the scheme prepared by the All India Congress Committee and adopted by the All India Muslim League ; and that in the construction of the Empire, India shall be lifted from the position of a dependency to that of an equal partner in the Empire along with the self-governing dominions "

The Congress-League scheme demanded enlarged legislative councils for the various provinces and the centre with large elected majorities. The franchise for electing the members of the legislatures was to be as wide as possible. The provincial councils were to have full authority to deal with all matters affecting the internal administration of the province including the power to raise loans, impose and alter taxes, and to vote on the budget. The Provincial executive was to consist of a non-civilian Governor and an executive council consisting of non-civilian members, half of whom were to be Indians elected by the provincial legislature. The Central or Imperial Legislative Council was also to have full financial and fiscal powers, and the demand was also made that one half of the members of the Viceroy's Executive Council should be Indians elected by the elected members of the legislature. The abolition of the India Council of the Secretary of State for India and the relaxation of the control of the latter were also demanded. These demands were considered extravagant and summarily rejected by those who had the destiny of India in their hands.

It is necessary to make some reference here to the two Home Rule Leagues, one started by Tilak at Poona in April 1916, and the other inaugurated by Mrs Besant in Madras in September of the same year. Both Tilak and Mrs Besant were shrewd and clever political leaders and believed in the efficacy of intensive propaganda and organised agitation among the masses for the realization of their ideals. The two Home Rule Leagues worked in harmonious co-operation and contributed much to national awakening. Their organisations were later on used by the Congress to push propaganda in favour of the Congress-League scheme. The Government took action against Mrs Besant, and

interned her along with her two co-workers, Wadia and Arundale. They were released after a short period. Action was also taken against Tilak for having delivered certain speeches at Home Rule meetings. He was ordered to execute a personal bond of Rs 20,000 and furnish two sureties of Rs 10,000 each, and also to be of good behaviour for one year. The order was cancelled on an appeal to the Bombay High Court.

Mr. Montague's Pronouncement.— The year 1917 was a very bad year for the Allies in the European War. It was also the year in which political agitation reached a high level in India. The Government of India had bungled seriously in the Mesopotamian campaign and had come in for much adverse criticism at the hands of Mr. Montague, the Secretary of State of India, who described it as 'too wooden, too iron, too inelastic, too anti-diluvian, to be of any use for the modern purposes we have in view'. From various directions circumstances called for changes in the Indian system of government. Realising the needs of the situation the British Government decided to revise and reform its Indian policy. In reply to a question put by a member of the House of Commons, Mr. E. S. Montague made the following historic pronouncement on August 20, 1917, on behalf of the Cabinet: 'The policy of His Majesty's Government, with which the Government of India are in full accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire'. He was careful to add that the British Government and the Government of India must continue to be the judges of the time and measure of the successive stages through which advance to self-government was to be made, and that they would be guided by the co-operation received from those upon whom new opportunities would be conferred to advance the cause of India. Mr. Montague himself came to India for enquiry and consultation with the Government of India. The outcome of these efforts and consultations was the Montague-Chelmsford Reforms embodied in the Government of India Act of 1919.

The Third Phase.— The publication of the Montague-Chelmsford

Report in July 1918 destroyed the political unity of the Congress. The moderates and the extremists who had united at Lucknow after about ten years of separation again parted company,— this time, perhaps, never to meet again on one and the same platform. The extremists found the Montford proposals unsatisfactory and unacceptable unless materially altered, the moderates, convinced as they were of the honesty and sincerity of purpose of Mr Montague who was reported to have arrived at some sort of understanding with some of them before leaving India, regarded them as on the whole progressive and satisfactory, though they suggested some modifications to improve the scheme. To them the differences between them and the extremists appeared so vital and fundamental that they decided to secede from the Congress and set up a national organisation of their own. Mr Surendranath Banerjee who had played a very important role in the establishment of the Indian Association of Bengal which was a forerunner of the Congress and had actually paved the way for the creation of the latter, now took the lead in organising the moderates in Bengal, and started the National Liberal League at Calcutta. Tilak, Mrs Besant, and other leaders of the extremist section who had at first condemned the proposals in an unqualified way modified their opposition a good deal with a view to carrying the liberals with the Congress. In the special session of the Congress called at Bombay towards the end of August, 1918, a compromise resolution was adopted. It ran thus

‘This Congress appreciates the earnest attempt on the part of the Rt. Hon the Secretary of State and His Excellency the Viceroy to inaugurate a system of Responsible Government in India, but while it recognizes that some of the provisions constitute an advance on the present conditions in some directions, it is of opinion that the proposals as a whole are disappointing and unsatisfactory, and suggests the following modifications as absolutely necessary to constitute a substantial step towards Responsible Government

‘That this Congress entirely disagrees with the formula contained in the said Report that the Provinces are the domain in which the earlier steps should be taken towards the progressive realization of Responsible Government, and that the authority of the Government of India in essential

matters must remain indisputable pending experience of the effect of the changes proposed to be introduced in the Provinces, and the Congress is of opinion that simultaneous advance is indispensable both in the Provinces and the Government of India.'

But the Moderates abstained from attending the special session and held a special conference of their own at Bombay in November. There they passed a resolution welcoming the proposals as constituting a distinct advance on the system of government as it then existed, both as regards the centre and the provinces, and also as a real and substantial step towards the progressive realization of responsible government in the provincial sphere. They regarded the proposals as fulfilling the terms of the announcement of August 20, 1917.

The result of the secession of the Moderates was that the Congress, which had been a body of moderate opinion since 1907, came under the control of the extremists. At the Delhi Congress a new spirit was visible; the whole tone of its resolutions had altered. It talked of certain fundamental rights of the Indian people which should always be observed. It also made an attempt to take the case of India before other nations, in this case the United States of America, to obtain their support for self-government. An appeal was formally put before the Foreign Relations Committee of the American Senate that the constitution of the League of Nations should be so amended that every signatory to the Covenant of the League should be made to provide democratic institutions for the people who lived under its government. The following is a part of the resolution on self-determination which was passed by the Delhi Congress: 'In view of the pronouncements of President Wilson, Mr Lloyd George, and other statesmen, that to ensure the future peace of the world, the principle of self-determination should be applied to all progressive nations, this Congress claims the recognition of India by the British Parliament and by the Peace Conference as one of the progressive nations to whom the principle of self-determination should be applied.' The Congress further demanded that India should be represented at the Peace Conference through the elected representatives of the

people and appointed Tilak, Gandhiji and Syed Hasan Imam to act as its accredited representatives, if and when the necessity arose.

The Fourth Stage.— In subsequent years the Congress was to travel still further away from the path laid down by those who founded it and nursed it from 1885 to 1916. It was to declare complete independence or Purna Swaraj as its goal in place of Dominion Status or self-government within the British Empire, which may be said to have remained its objective till 1930. It was also to discard the method of representation, and substitute in its stead the method of direct action. In place of relying on the sense of justice and decency of the British people it took to forging sanction behind its demand for national freedom. How this fundamental and far-reaching change was brought about it shall be the aim of the following pages to describe in a brief form.

It was the Time Spirit as well as a blind but definite groping of the political mind of India towards a consummation of aspirations far beyond the wildest dreams of the Moderates that precipitated the emergence of Mahatma Gandhi as the leader of nationalist India, and, in the long run, he was chiefly responsible for these vital and fundamental changes. But even Mahatma Gandhi was not an extremist politician to start with. Even he could not catch the accent of this Time Spirit quite correctly at first. When he returned to India after having successfully led the Satyagraha campaign in South Africa, he had decided to make Gokhale his political guru, who had obtained from him a promise not to engage himself in any direct political work for a whole year after his arrival and to utilise this period to watch the current of events. This shows that he was by temperament more of a moderate than a left-wing politician. It is also worth remembering that it was because of his sobering influence that the resolutions passed at the 1919 session of the Congress held at Amritsar breathed a spirit of calmness and restraint in spite of the deep resentment prevailing in the country against the cruel and cold-blooded massacre of innocent men, women and children at the Jallianwala Bagh at Amritsar, the

indignities inflicted on the residents of that city by General Dyer in April of that year and the martial law regime in the Punjab. It was again because of Mahatma Gandhi that, even though the Reforms were inadequate and disappointing, the Congress decided to work them with a view to securing an early establishment of full Responsible Government. That such a sober and moderate leader should have been driven to lead the non-cooperation and civil disobedience movements and make *complete independence* the goal of the Congress in place of Dominion Status is not only a sad commentary on the ways and methods of the British Government of India, but also the unmistakable sign of a new turn in the tide of time. Our concern is with the events which led to these developments which could not have been foreseen by the founders of the Indian National Congress.

The one event which disillusioned Mahatma Gandhi and turned him from a co-operator to a non-co-operator was the attitude of the Governments of India and Great Britain towards the Punjab wrongs together with the debate in the House of Lords on General Dyer. In 1917, before the Great War was over, the Government of India had appointed a committee popularly known as the Rowlatt Committee to investigate and report on the nature and extent of criminal conspiracies connected with revolutionary movement in the country and to suggest legislation necessary to enable the Government to deal with them. This committee commenced its labours in January 1918 and submitted its report by the middle of April that same year. It recommended two kinds of special legislation to meet the situation. The Government of India framed two bills on the lines recommended by this Committee and got them passed through the legislature, in spite of universal popular protests and non-official opposition in the Legislative Assembly. Even so moderate a politician as the Rt Hon. Mr. Srinivas Sastri warned the Government of the dangerous consequences of passing such a stringent piece of legislation in defiance of popular sentiment. Perhaps no other event made such a great change in the Congress attitude and policy as the passing of the Rowlatt Bills in the teeth of the united opposition on the part of the nation as a whole. The unbending attitude of the government of India greatly perturbed

Mahatma Gandhi who was busy thinking about some mode of Satyagraha against the Bills, should they become Acts. The idea struck him that the country should observe a general *hartal* on a day selected for the purpose and devote it to fasting and prayer. March 30, 1919, was fixed for the purpose, but the date was subsequently changed to the 6th of April. Some cities observed *hartal* on the 30th of March, and at Delhi the police resorted to firing to disperse a crowd that had gathered and insisted on the closing of the railway refreshment stall. Mahatma Gandhi had consented to come to Delhi at the request of the local leaders after the *hartal* of April 6, but while on his way to the imperial capital, he was arrested at Palwal and sent back to Bombay under a police escort under orders from the Government of India. The news of his arrest spread like wild fire and disturbances took place at some places. But his release restored order, and the disturbances came to an end. In the Punjab which had the misfortune of being ruled by Sir Michael O'Dwyer, there was trouble at Lahore and Amritsar because of the arrest and deportation of popular leaders and firing upon unarmed crowds. The happenings at Amritsar were the most frightful and revolting. Unaware of the ban General Dyer had imposed on all meetings in the city, the people of Amritsar had assembled at Jallianwala Bagh on April 13, to protest against the police firing on the mob on April 10. General Dyer took no steps to prevent the meeting from being held, and after it had begun he reached the spot with armoured cars and troops, and ordered the soldiers to fire till their ammunition was exhausted. There was no provocation for this cold-blooded massacre of men, women and children. General Dyer left the dead and the wounded on the spot, as it was none of his business to take the slightest care of them. There were disturbances also at Kasur and Gujranwala in the Punjab, with the result that martial law was declared in Lahore, Amritsar and Gujranwala districts and continued till June 11. It is not necessary here to refer to the severity with which martial law was administered, and to the floggings, whippings, arrests and confiscations that were resorted to by the administrators.

When these terrible happenings became known, there was great indignation throughout the country, and a demand was made for

the punishment of the persons responsible for these frightful and inhuman deeds. The Government appointed a committee to investigate into the events. But before this committee began its work, the Government passed an indemnity bill shielding the officials guilty of excesses in dealing with the disturbances. The majority report of the committee was of a whitewashing nature. It aroused universal indignation in the country. The Government took no action against Sir Michael O'Dwyer, and only removed General Dyer from service for what it characterised as 'an error of judgment'. These things showed that England and the Government of India were unrepentant for the great wrong done to the Punjab. Mahatma Gandhi thought that an authority that could condone such terrible wrongs must be evil in nature, and therefore decided to dissociate himself from it in all possible ways. He would not abet evil, and thus became a non-cooperator with the Government of British India. He thought out a scheme by giving effect to which the nation could withdraw all assistance to the Government until the wrong done to the Punjab was righted and Swaraj established in the country. This scheme he unfolded at the special session of the Congress held at Calcutta in the first week of September, 1920, under the presidentship of Lala Lajpat Rai. This session was attended by a very large number of Muslim delegates from the different provinces who were determined to give their support to the movement because of their grievances over the Khilafat question. The resolution on Non-cooperation moved by Mahatma Gandhi and passed by a majority of two thousand against a minority of about eight hundred deserves to be quoted in full because it marks the beginning of a new phase in Congress policy and programme. It ran as follows :

'In view of the fact that on the Khilafat question both the Indian and Imperial Governments have signally failed in their duty towards the Musalmans of India and the Prime Minister has deliberately broken his pledged word given to them, and that it is the duty of every non-Muslim Indian in every legitimate manner to assist his Musalman brother in his attempts to remove the religious calamity that has overtaken him, and in view of the fact that, in the matter of the events of April 1919, both the said Governments have grossly neglected or failed to protect the innocent people of the Punjab and punish officers guilty of unsoldierly and

barbarous behaviour towards them, and have exonerated Sir Michael O'Dwyer, who proved himself directly responsible for most of the official crimes and also callous to the sufferings of the people placed under his administration, and in view of the fact that the debate in the House of Commons and specially in the House of Lords, betrayed a woeful lack of sympathy with the people of India and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab, and that the latest Viceregal pronouncement is proof of the entire absence of repentance in the matters of the Khilafat and the Punjab, this Congress is of opinion that there can be no contentment in India without redress of these two wrongs, and that the only effectual means to vindicate national honour and to prevent a repetition of similar wrongs in future is the establishment of Swaraj.

'This Congress is further of opinion that there is no course left open for the people of India but to approve of and adopt the policy of progressive, non-violent Non-co-operation, until the said wrongs are righted and Swaraj is established.

'And in as much as a beginning should be made by the classes who have hitherto moulded and represented public opinion; and in as much as Government consolidates its powers through titles and honours bestowed on the people, through schools controlled by it, through its law courts and its Legislative Councils, and in as much as it is desirable, in the present state of the movement, to take the minimum risk and to call for the least sacrifice compatible with the attainment of the desired object, this Congress earnestly advises :

'(a) Surrender of titles and honorary offices and resignations from nominated posts in local bodies

'(b) Refusal to attend Government levees, Durbars and other official and semi-official functions held by Government officials, or in their honour

'(c) Gradual withdrawal of children from schools and colleges, establishment of national schools and colleges in the various provinces

'(d) Gradual boycott of British courts by lawyers and litigants and establishment of private arbitration courts by them for the settlement of private disputes

'(e) Refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia

‘(f) Withdrawal by candidates from election to the reformed Councils and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election.

‘(g) Boycott of foreign goods.

‘And in as much as the Non-co-operation movement has been conceived as a measure of discipline and self-sacrifice, without which no nation can make real progress, and an opportunity should be given in the first stage of Non-co-operation to every man, woman and child for such discipline and self-sacrifice, this Congress advises the adoption of *Swadeshi* in cotton piece-goods on a vast scale, and in as much as the existing mills of India, with indigenous capital and control do not manufacture sufficient yarn and sufficient cloth for the requirements of the nation, and are not likely to do so for a long time to come, this Congress advises immediately stimulation of further manufacture on a large scale, by means of reviving hand-spinning in every home, and hand-weaving on the part of millions of the weavers who have abandoned their ancient and honourable calling for want of encouragement.’

This famous resolution on Non-co-operation marks an epoch in the history of the national movement in the country. It changed the attitude of the people towards the established and age-long methods of political agitation. It was confirmed by the Nagpur Congress held in December, 1920, which was attended by about twenty thousand delegates. Leaders like Deshbandhu Das and Lajpat Rai who were opposed to the Non-co-operation programme at Calcutta supported it at Nagpur. The country gave a splendid response to the Congress call for self-sacrifice and more than twenty thousand persons counted the rigours of jail life on account of participation in the movement. Hundreds renounced their titles and honours, and many times their number gave up their practice at the law courts. Students left schools and colleges in thousands and many national educational institutions came into existence in various parts of the country, e.g., the National Muslim University at Aligarh, the Kashi Vidyapith, the Gujarat Vidyapith, the Bihar Vidyapith and the Tilak Maharashtra Vidyapith. During the whole of the year 1921, the movement progressed with a success not expected even by its ardent advocates. Mahatmaji was planning a no-tax campaign

in the Bardoli Taluka. The foundations of the British government were almost shaken, Swaraj was in sight. But, then, exactly at this psychological moment the Moplah riots broke out in Malabar where untold atrocities were committed upon the Hindus. It was a severe strain upon the Hindu-Moslem unity which was one of the main features of the non-violent non-co-operation movement of the year. At Bombay a serious disturbance broke out at the time of the visit of the Prince of Wales. What was worse, an infuriated mob set fire to the police chowki at Chauri Chaura where a number of policemen were killed. Mahatmajī saw that the movement was losing its *non-violent* character, and at once ordered halt, much to the chagrin of his more ardent followers. He stopped all activities of the Congress designed to court imprisonment. The Government saw its opportunity at this moment and sentenced Mahatmajī to a term of six years' imprisonment in March, 1922.

The first great movement of non-co-operation led by the Mahatma failed in its objective, it did not lead to the establishment of *Swaraj*. The British government was shaken but did not fall. Nevertheless the campaign was not altogether barren of results. It raised the pitch of political agitation to a height never dreamt of before, it made the Congress movement a *mass* movement and conveyed the message of Swaraj to the humblest strata of society. It was productive of some good in another direction also. For the first time the bureaucracy realised the necessity of securing the goodwill of the moderate politicians and rallying them to its side. It tried its best to secure their co-operation and therefore worked the Montford reforms in a manner it would not have otherwise done.

The apparent failure of the Non-violent Non-co-operation movement led some of the prominent leaders of the Congress to question the utility of a continued boycott of the reformed legislatures. A Council entry party led by C. R. Dass and Moti Lal Nehru soon came into existence within the Congress fold. Hakim Ajmal Khan and Vithalbhai Patel also lent it their support. It became known as the Swaraj Party. Its aim was to wreck the reformed constitution from within by obstructive tactics, and thereby

to force the British Government to yield to the national demand. The move to permit council-entry was opposed by the orthodox followers of Gandhi who were called No-changers and were led by Dr Ansari and Mr Rajgopalachari. After a hard tussle the Council entry party won. The elections to the legislative bodies were contested and won in several provinces by the Swaraj party on behalf of the Indian National Congress. The Swaraj Party was returned in sufficient strength in Bengal and the Central Provinces to make the normal working of the constitution impossible. But the obstructionist tactics employed by it could not shake the bureaucracy from its position of power. In the Central Legislature also the Swaraj Party could not do much. Its demand for a Round Table Conference to recommend a constitution for India was rejected by the government of Lord Reading. In the elections of 1926 the Swaraj Party lost much ground and its number fell. The Council entry programme also failed to win freedom for India and its protagonists were compelled by the stress of circumstances to go back to the old programme which aimed at self-preparation leading, when necessary, to civil disobedience on a mass scale. The Swaraj Party, however, achieved one success. It destroyed the charm that had been woven around the reformed constitution by the moderates and the bureaucracy. It drove away the moderates or liberals from the legislatures and thus knocked the bottom out of the bureaucracy's claim that it was ruling over the country with the help of the *elected* representatives of the people.

Simon Commission — While the Council front created by the Swaraj party had ended in something like a stalemate and the Indian National Congress had no exciting programme of action to place before the country, the British Government gave to the politicians a splendid opportunity for a country-wide agitation. Instead of waiting for the statutory period of ten years for the appointment of a Royal Commission to investigate into the working of the reformed constitution and report to Parliament, the Imperial government announced its intention of sending it out in 1927. The Simon Commission—for this was the name by which the Royal Commission was known—actually landed in Bombay on February 2, 1928. Its arrival was greeted with an All India *hartal*. Wherever it went it was welcomed with a *hartal*, black flag

demonstrations, and slogans of 'Simon, go back'. All sections of opinion were united in boycotting the Simon Commission. Even the central and provincial legislatures refused to have anything to do with it. The Justice Party of Madras and a few Muslim organizations were the only bodies to extend to it their hand of fellowship. The reason for this hostility lay in the nature of its personnel. It was an 'all-white' body with no Indian on it. The exclusion of Indians from it was a great insult to Indian national self-respect which no patriotic Indian could stand. The boycott of the Simon Commission brought a great upheaval in the country. The British Government was driven to use methods of coercion and terrorism. Lathis were frequently used by the police to disperse the black flag demonstrators. At Lahore one such procession was headed by Lala Lajpat Rai who was shamelessly treated to lathi and baton blows by the minions of law and order. It was believed, and the charge was actually made, that his death a few months later was hastened by this dastardly assault. But the Government instituted no enquiry into the affair. At Lucknow revered leaders like Pandit Jawahar Lal Nehru and Govind Ballabh Pant were also treated in a similar manner. This behaviour on the part of the police was greatly resented by the people and was responsible for some terroristic activities.

Nehru Report.— Lord Birkenhead who was Secretary of State for India at that time sought to justify the exclusion of Indians from the Royal Commission on the ground that they were hopelessly divided among themselves. He challenged them to produce an agreed constitution and submit it to Parliament for consideration. The Indian political leaders accepted this challenge and organised an All Parties Conference which held its sittings even when the Simon Commission was touring the country. The All Parties Conference appointed a sub-committee, presided over by Pandit Moti Lal Nehru to draft a constitution. The Nehru Committee submitted what has gone down to history as the famous Nehru Report. It envisaged a constitution for the country on the basis of Dominion Status for India. This report was considered by the Calcutta session of the Congress held in 1928. At that session a battle royal was waged between the advocates of *Complete Independence* for India and those of the Dominion Status idea. The former

group was led by Pandit Jawahar Lal Nehru and Subhas Chandra Bose, and the latter by Pandit Moti Lal Nehru, the President of the Calcutta session of the Congress. The compromise resolution moved by Mahatma Gandhi was adopted by the Congress. It ran as under —

‘This Congress having considered the Constitution recommended by the All Parties Committee’s Report welcomes it as a great contribution towards the solution of India’s political and communal problems and congratulates the Committee on the virtual unanimity of its recommendations, and, whilst adhering to the resolution relating to Complete Independence passed at the Madras Congress, adopts the Constitution drawn up by the Committee as a great step in political advance, specially as it represents the largest measure of agreement attained among the important parties in the country

‘Provided however that the Congress shall not be bound by the Constitution if it is not accepted on or before December, 1929, and provided further that in the event of non-acceptance by the British Parliament of the Constitution by that date, the Congress will revive non-violent Non-co-operation by advising the country to refuse taxation and every aid to Government

The events that followed in 1930 and subsequent years are a testimony to the vital importance and significance of this resolution. It had some effect on the Government. Lord Irwin, the Governor General, left for England towards the end of June to discuss Indian affairs, and ‘to represent to His Majesty’s Government the different standpoints of those who can speak for Indian political opinion’. He returned on October 25, and on October 31, issued a Proclamation to the country on behalf of His Majesty’s Government. The Proclamation is too long to be reproduced here in full. We shall only state its salient features and note its repercussions. Its most striking feature was the pledge which committed the Government of India and the Government of Great Britain to grant Dominion Status to India. The Proclamation ended with the following words ‘I am authorised on behalf of His Majesty’s Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India’s constitutional progress, as there contemplated, is the attainment of Dominion Status’. Its

second salient feature was the proposal to hold a Round Table Conference in London after the publication of the Simon Commission Report at which Indian delegates would sit with representatives of His Majesty's Government to discuss the Simon Report and other proposals put forward in connection with the Indian constitutional problem. Here is the relevant excerpt from the Proclamation. He (the Chairman of the Royal Commission) suggested "what might be required . . . would be the setting up of a Conference in which His Majesty's Government should meet representatives both of British India and of the States, for the purpose of seeking the greatest possible measure of agreement for the final proposals which it would later be the duty of His Majesty's Government to submit to Parliament."

The Congress leaders immediately called a meeting in Delhi to which they invited leaders of other political parties. This mixed gathering considered the proclamation and after great reflection issued a statement in which the signatories expressed their appreciation of the sincerity underlying the declaration and of the desire of the British Government to placate Indian opinion, and also expressed the hope that they would be able to tender their co-operation to His Majesty's Government in their effort to evolve a scheme of Dominion Status for the country. They further suggested certain steps including the release of political prisoners to ensure the success of the proposed Conference which they expected would meet not to discuss *when* Dominion Status was to be established but to frame a scheme of Dominion constitution for India. The statement concluded with the following words: "We hold it to be absolutely essential that the public should be made to feel that a new era has commenced from to-day, and that the new constitution is to be but a register of the fact. Lastly, we deem it as an essential factor for the success of the conference that it should be convened as expeditiously as possible."

Complete Independence — The Government of British India issued no statement clarifying the situation in response to the leaders' declaration. Mahatma Gandhi and Pandit Moti Lal Nehru thought it desirable to see the Viceroy and ascertain the true purport of his Proclamation before going to the Lahore

session of the Congress Lord Irwin could not assure them that the proposed Conference in London would meet to frame a Dominion constitution for India. He could add nothing to the terms of the Declaration that *the natural issue of India's constitutional progress is the attainment of Dominion Status*. He was not in a position to extend an invitation to them to the Round Table Conference with any definite promise of Dominion Status. The two great leaders returned empty-handed to Lahore. Under these circumstances the Congress had no option but to declare Complete Independence for India as its goal and reject the Nehru Report in terms of the resolution passed at the Calcutta session. The following are the important passages occurring in the resolution about Independence adopted at Lahore : 'This Congress .. appreciates the efforts of the Viceroy towards a settlement of the national movement for Swaraj. The Congress, however, having considered all that has since happened and the result of the meeting between Mahatma Gandhi, Pandit Moti Lal Nehru and other leaders, and the Viceroy, is of opinion that nothing is to be gained in the existing circumstances by the Congress being represented at the proposed Round Table Conference. This Congress... declares that the word Swaraj in Article 1 of the Congress constitution shall mean complete independence . and hopes that all Congressmen will henceforth devote their exclusive attention to the attainment of Complete Independence for India . This Congress authorises the All India Congress Committee, whenever it deems fit, to launch upon a programme of Civil Disobedience including non-payment of taxes whether in selected areas or otherwise, and under such safeguards as it may consider necessary ' The stage was thus made ready for the second great national movement for the attainment of Swaraj. It was to be launched upon strictly non-violent grounds under the leadership of Mahatma Gandhi. The first step was the celebration of the Independence Day on January 26, 1930, when an independence pledge approved by the Working Committee was read and taken by millions of Indians in different towns and villages throughout the country. It is not necessary to reproduce it here in detail. It is sufficient to state that in view of the inalienable right of the Indian people to have and enjoy freedom like other nations in the

world, and in order that they may enjoy the fruits of their labours and have full opportunities for their growth, the Indian National Congress through that pledge asked Indians to end the inhuman foreign rule which was causing manifold injuries to the nation, by withdrawing all voluntary association with and stopping payment of taxes to it. Since 1930, the Independence Day is celebrated every year on January 26.

Civil Disobedience Movement — The next step was the despatch of the historic letter by Mahatma to Lord Irwin on March 2, 1930, in which the former informed the latter of his intention to start Civil Disobedience by breaking the Salt Law with a few of his associates from the Sabarmati Ashram, and also gave reasons why he regarded the British rule as a curse. The letter was carried by one of the English friends of Mahatma, named Reginald Reynolds. On the 12th of March Mahatma left Ahmedabad for Dandi to break the Salt Law, halting at wayside places and delivering his message to the people assembled to see him march at the head of his band of 75 ashramites. This 'epic' march to Dandi has become famous, and the scenes that preceded, accompanied and followed this great national event, were so enthusiastic, magnificent and soul-stirring that they beggar description. 'Never was the wave of patriotism so powerful in the hearts of mankind as it was on this great occasion which is bound to go down to the chapters of the history of India's national freedom as a great beginning of a great movement.' Thus wrote the *Bombay Chronicle* about the Dandi March.

After a march lasting for 24 days Mahatma Gandhi reached Dandi on the 5th of April, and technically violated the Salt Law by gathering salt from the sea-shore. This was a signal for the breach of the Salt Law all over the country in which millions of Indians participated in thousands of towns and villages. It is not our intention here to take the reader through the history of the famous raids by peaceful and non-violent volunteers on the Dharsana and other salt depots, the brutalities committed by the police in dispersing the volunteers, and the numerous arrests of important leaders that followed. The whole country was ablaze, and the movement spread far and wide like a regular prairie fire. After the arrest of

Mahatmajī other items like the picketting of liquor shops and the sale of foreign cloth, the breach of forest laws and the non-payment of taxes were introduced by the Working Committee. The Government of Lord Irwin issued about a dozen ordinances to crush the movement. Heavy fines and imprisonments became the order of the day. About sixty thousand men and women were placed behind the prison bar, hundreds lost their lives as a result of police firing at a number of places, and a larger number was wounded. The police made free and frequent use of the *lathi* in meeting the situation created by unlawful crowds, and demonstrators. The use of brute force did not cow down nationalist India, the greater the violence used by the Government to crush the movement, the more momentum did it gain. The reports despatched to their respective papers by foreign correspondents and observers like Webb Miller, George Slocombe and Brailsford are an eloquent testimony to the wonderful spirit exhibited by the people of India. Mahatma Gandhi, the magician, had infused new life into dead bones. Before concluding this very short survey of the campaign for national freedom, it seems desirable to refer to the noble and heroic part played by the womanhood of India. The tremendous success of the movement for the boycott of foreign cloth was very largely due to the gentle and heart-winning manner in which Desh Sevikas in their orange-coloured saris appealed to the intending purchasers of foreign cloth. Let it be said to the credit of the foreign cloth dealers that they bore their losses with grace.

The Round Table Conference — It was stated above that owing to the inability of the Viceroy to promise that the proposed Round Table Conference would be convened to frame a Dominion constitution for India, the Indian National Congress had decided not to participate in it. But the moderate leaders decided 'on their own behalf to proceed to London without getting any assurances on the points mentioned in the joint statement issued after the Viceroy's Proclamation. The Government tried to rope in the Congress also. Many efforts were made to bring about conciliation between the Government and the Congress while the Civil Disobedience movement was in full swing, but as the former did not, or could not, concede the Congress demands, they proved abortive. So the Congress remained unrepresented at the

Round Table Conference which opened in London on the 12th of November, 1930. Of the 86 persons who took part in its deliberations 13 were the spokesmen of the three British political parties, 16 were Indian Princes who represented the interests of the Indian States, and 57 represented British India. But the Indian delegation did not go there in any representative capacity all its members were *nominated* by the Viceroy to represent different sectional and communal interests without consulting even the central or provincial legislatures. 'In St James' Palace they did assemble Princes and Untouchables, Sikhs, Muslims, Hindus and Christians, and spokesmen of land owners, trade unions, and chambers of commerce, but mother India was not there.' This method of choosing the personnel of the Indian delegation was bound to affect the working of the Conference. Instead of pressing the demand for Indian freedom they stressed the claims of the different interests. The question of the future of India was left in the hands of the British Government.

After having accepted the principle of Federation as most suited to the needs and conditions of India, and agreed to the introduction of full ministerial responsibility in the provincial sphere and dyarchy at the centre subject to certain reservations and safeguards during the period of transition, the Conference concluded its first session on the 19th of January, 1931. The British Prime Minister made the following declaration about the policy of His Majesty's Government in regard to the future constitution of India.

"The view of His Majesty's Government is that responsibility for the Government of India should be placed upon the Legislatures, Central and Provincial, with such provision as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by the minorities to protect their liberties and rights.

"In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be the primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India.

* Brailsford, *Subject India*, page 39

through the new Constitution to full responsibility for her own Government ”

He also added that if in the meantime ‘there is response to the Viceroy’s appeal from those engaged at present in Civil Disobedience, steps will be taken to enlist their services.’

In order to give Mahatma Gandhi and the members of the Working Committee of the Congress full and unfettered freedom to discuss the statement made by the British Prime Minister which is quoted above, the Viceroy lifted the ban on the Congress Working Committee and ordered the release of its members. They were released on January 26, 1931. The Working Committee invested Mahatma Gandhi with the powers of a plenipotentiary to negotiate a settlement with the Viceroy in the name of the Congress. Mahatma entered into negotiations with the Viceroy which turned out to be long and protracted. They resulted in a pact between the two plenipotentiaries which was signed on the 5th of March. Its details do not interest us. It is sufficient for our purposes to note that as a result of it the Congress suspended its Civil Disobedience campaign and agreed to participate in the Second Round Table Conference. It certainly enhanced the power and prestige of the Congress, and the nation as a whole gained in moral height as a result of having passed through the ordeal of a civil disobedience campaign. But, alas, one noble spirit who had played a noble part in the struggle, Pandit Moti Lal Nehru, died a little before the agreement was arrived at.

If Lord Irwin had remained as Viceroy in India for at least another year and there had been no change of government in England, it is very likely that the provisional agreement between Lord Irwin and Mahatma Gandhi would have paved the way for a lasting understanding between England and India and a solution of the Indian constitutional problem acceptable to the latter. But Lord Irwin was replaced by Lord Willingdon, and an almost conservative government was formed in England. Sir Samuel Hoare followed Mr Wedgewood Benn as Secretary of State for India. These changes altered the situation in both the countries very much. In India the Congress complained that the government officials did not observe the terms of Gandhi-Irwin

pact ; in fact they honoured the pact more in the breach than in the observance. Mahatmajī found the new Viceroy intiansigent. In spite of heavy odds and not very hopeful of success in his mission, Mahatma set sail for England to take part in the proceedings of the Second Round Table Conference on the 29th of August, 1931.

The Second R. T. C — The second session of the Round Table Conference was held between September 14, and December 1, 1931, during a very critical period in the history of Great Britain. The Labour Government had resigned ; its place was taken by a National Government largely Tory in character. As a result of the general election held in October 1931, the Conservative element in the House of Commons became very predominant. These changes were most unfavourable for the Indian cause ; such of the British delegates as had sympathy with it were pushed in the background, while those hostile to it emerged into prominence. The spirit which pervaded the first session was thus absent from the second, the attitude of the British delegation was completely changed. It was under these most unfavourable circumstances that Mahatma Gandhi took part in the deliberations of the Conference.

The Conference was ostensibly called for the purpose of settling the dispute between England and India and arriving at an amicable conclusion on the Indian constitutional problem. Things were, however, manœuvred in such a way that the communal problem loomed large in every direction. The constitutional problem was side-tracked, and in order to discredit Indian demands a minor problem was pushed into lime-light. Mahatma Gandhi was anxious to solve the communal problem, else to postpone it for future consideration so that a concentrated effort might be made by the Indian delegation to whittle down safeguards and get real self-government for India. But his efforts could bear no fruit. The composition of the Indian delegation was such that it made the solution of the communal problem well-nigh impossible. It contained persons who lived and thrived on communal differences. Persons who could have taken a reasonable attitude towards communal problems and striven their utmost to find a solution for them most earnestly were never nominated to the Conference. Efforts to get men, like Dr. Ansari

invited to it did not succeed Wire-pulling by politicians in Britain who were anxious to perpetuate British power in India by the policy of divide and rule also made any reasonable solution of the problem impossible The demands made by various delegates on behalf of their respective communities were incompatible The Muslims wanted absolute majorities in the Punjab and Bengal, the retention of excessive weightage in the provinces (where they are in a minority) granted to them under the Lucknow pact, and one third representation in the Centre The Sikhs wanted weightage in the Punjab similar to that granted to the Muslims in Assam, Bombay, the U P and Madras It was impossible to reconcile the Muslim claim for absolute majority in the Punjab with the Sikh claim for weightage and the rights of the Hindus Similarly, the Muslim claim for an absolute majority in Bengal could not be made square with the demands of the Europeans for weightage. The Depressed classes, following suit, claimed separate representation for themselves "An atmosphere in which each community makes excessive claims for itself and is unmindful of national interests is hardly conducive to the settlement of such a thorny question Little wonder that Mahatma Gandhi failed in his efforts The insistence of the Moslem members that they would not participate in the general constitutional discussion until *all* their demands were conceded was most unfortunate and obstructive The Moslems joined in an unholy alliance with reactionary British interests, and the result was the notorious Minorities Pact. The following extract from a confidential circular issued by Loyalists in which group Mr Benthall the representative of the British interests in India was included, throws much light on the shameful way in which the communal question was handled in the R T C 'The Muslims were a solid and enthusiastic team . They played their cards with great skill throughout , they promised us support and they gave it in full measure In return they asked us that we should not forget their economic plight in Bengal and do what we can to find places for them in European firms so that they may have a chance to improve their material position and the general standing of their community

After the general election the right wing of the Government made up its mind to break up the Conference and to

fight the Congress. The Muslims who do not want responsibility at the centre were delighted. We had made up our minds that the fight with the Congress was inevitable, we felt and said that the sooner it came the better, but we made up our minds that for a crushing success we should have all possible friends on our side. The Muslims were all right, the Minorities pact and the Government's general attitude ensured that. So were the Princes and the Minorities. The Muslims have become firm allies of the Europeans. They are quite satisfied with their own position and are prepared to work with us.¹⁴ Such an unholy alliance would have been an impossibility if another set of representative Muslims had been invited to the Conference. The net result of all this intriguing was the inability of the Minorities Sub-committee to solve the communal problem. The matter was left to be solved by the Prime Minister. This was the origin of the famous Communal Award which contains the government solution of this vexed question, a solution which is most unfair to some and most favourable to other communities. The details of the Award will be examined in another context.

Mahatmaji went to England to turn the truce arrived at in Delhi into a permanent settlement. He failed. Circumstances were too strong for him. He wanted to stay in England for a month or so more to recuperate his health. But when he received urgent summons from his co-workers in India where the situation was rapidly deteriorating, he cancelled his European tour and returned to India empty-handed.

The Third Struggle. — What Mahatmaji saw and felt in England led him to feel that the British Government and the Congress had come to a parting of ways. When he landed in Bombay on December 28, 1931, he was faced with an ugly situation created by the government of Lord Willingdon. Repressive measures had been adopted in Bengal, the United Provinces and the N. W. F. P. On the top of all this Khan Abdul Gaffar Khan, Pandit Jawahar Lal Nehru, and Mr. Sherwani were arrested while on their way to meet Mahatma Gandhi at Bombay. Mahatmaji sought an interview with the Viceroy to discuss the situation and

* Quoted by S. Sardul Singh Caveeshar in *Non-violent Non-cooperation*, page 246.

seek a way out of the difficulty. But as the Government had made up its mind to reduce to nullity the Delhi agreement and break off negotiations with the Congress, humiliating conditions were imposed on the interview. Mahatma was asked to repudiate his colleagues before an interview could be granted, and even then the measures adopted by the Government to maintain peace were not to form the subject of discussion. The Government was evidently bent upon teaching the Congress a lesson. In view of this situation the Working Committee passed a lengthy resolution advising the nation to resume civil disobedience unless there was adequate response from the Government to their demands. The response came in the shape of the promulgation of a number of Ordinances which had been prepared while the R T C session was going on in London and kept in readiness, and the arrest and detention without trial of Mahatma Gandhi, the members of the Working Committee and other people. The government of Lord Willingdon adopted new tactics to deal with the civil disobedience movement. It took the offensive and dealt a heavy blow at the very start. Congress Committees were declared unlawful in every province and the leaders put under arrest. Congress offices and Ashrams were taken possession of by the Government and their property confiscated. The service of the Post Office and the Telegraph Office was denied to the Congress and severe censorship was imposed upon the press. The intention of the Government seems to have been not only to smash the Congress organisation and repress the movement, but also to terrify and demoralise the masses. For this purpose collective fines were imposed upon residents in several localities and untold hardships and privations inflicted upon them. Lord Willingdon is reported to have boasted that he would crush the Indian National Congress within six weeks time. The movement, however, rolled on for about a year and a half. Let it be said to the credit of the people of India that in the teeth of all this suppression and oppression they maintained perfectly the spirit of non-violence. The ban on papers was sought to be compensated by the issue of national bulletins and radio broadcasts, and the Congress devised its own service to carry its messages from place to place and province to province. The Congress laid special stress on the boycott of foreign cloth and British goods and

achieved remarkable success in it. As the Government would not allow the annual sessions of the Congress to be held in the regular manner, they were held on the public streets of Delhi and Calcutta in 1932 and 1933 respectively. The sufferings and privations of the people during the third campaign surpassed those undergone in any previous struggle. It is estimated that about a lakh of persons suffered arrest and imprisonment. Very heavy fines were imposed upon individuals, they sometimes ran into four and five figures. It is hardly necessary to dwell further on the character of the struggle between brute power and soul force. All the cruelty and barbarity were on one side and suffering and privation on the other.

While the struggle was going on in India, the British Prime Minister announced his decision on the communal problem on the 17th of August, 1932. Among other objectionable features it proposed the creation of separate electorates for the Depressed Classes, a provision against which Mahatmaji had given warning to the authorities in England. That warning, however, was not taken seriously. He now undertook a fast unto death if this attempt to cut off the Depressed Classes from the Hindu community was not given up. The British Government would not alter the terms of the award unless there was agreement among the parties concerned. The result of the fast was the famous Poona pact which gave to the Depressed Classes reservation of seats with joint electorates and a system of double election. Into the details of the agreement it is not necessary to enter at this stage. Reference has been made to this fast because it led to another fast for 21 days in 1933 undertaken with a view to the purification of himself and his associates for greater vigilance and watchfulness in connection with the Harijan cause. The fast started on May 8, and the same day Mahatmaji was unconditionally released. On this he advised the Acting Congress President to suspend Civil Disobedience for six weeks, and asked the Government to release the political prisoners. The movement was suspended first for six weeks and then for another six weeks, but the Government would not find its way to set the political prisoners free until the movement was *withdrawn*. Mere suspension of the movement

did not satisfy the Government. On July 24, Mahatma Gandhi advised the Acting President to suspend mass civil disobedience and to replace it by *individual* civil disobedience. He himself disbanded his Sabarmati Ashram and announced his intention of starting individual civil disobedience in the village Ras in Kaira district and urging people there to do the same. Upon this he was put under arrest and lodged in the Yervada jail for one year. But he was released on medical grounds on August 23. Finding this process of arrest, fasting, release, and arrest undignified, Mahatmaji decided, on moral grounds, to refrain from political activities and to devote his energy and time to social, mainly Harijan, work. He undertook a tour of the country for the Harijan cause. The terrible earthquake in Bihar took him to that afflicted province where he had talks with several of his co-workers. As a result of these talks, searching of the heart and waiting upon God, he came to the conclusion that he should take the responsibility of Civil Disobedience solely upon himself. He, therefore, advised the nation to give up individual Civil Disobedience as well.

Meanwhile a number of Congress workers were drifting to the view that under the then existing circumstances a programme of council-entirely was necessary. An effort was made to revive the old Swaraj party to contest the elections which were then shortly due. Mahatmaji gave his blessings to this move, and the nation reverted to the Council Front for marking time.

The Third R. T. C — Sir Samuel Hoare, the Secretary of State for India was not at all in favour of holding any more sessions of the Round Table Conference and favoured reversion to the Simon Commission plan of inviting Indians to put their case before a committee of the British Parliament which was to decide the future of India. This idea was given up to please the Moderates who felt offended. The third session was thus convened rather reluctantly from November 17 to December 24, 1932. The Congress was in the wilderness and so was not represented. The British Labour Party also refused to participate in it because its nominees Mr Wedgewood Benn and Prof Lees Smith, were not acceptable to the British Government lest they should create a split in the British delegation. As usual, from India only safe men were

invited Even the nominees of the Hindu Mahasabha and the President of the Liberal Federation were not invited The Conference considered three main problems—safeguards, the terms under which the States were to enter the Federation, and the allocation of residuary powers An effort was made by the British Indian Delegation to get a Bill of Rights incorporated in the Constitution, but it was vetoed by the British authorities

After the session was concluded the British Government published its proposals in the form of a White Paper. These proposals fell far short of Indian demands Even the Liberals were dissatisfied with them All the important powers the exercise of which confers the status of a free nation on a people were reserved for the Governor-General, foreign relations and defence were the departments with which the popular ministers had nothing to do Unsatisfactory and disappointing as the proposals of the Government were, they were further whittled down by the Joint Parliamentary Committee and by the British Parliament too, when the matter came up before it for discussion in the form of a Bill All this was done to satisfy the die-hard element in Parliament The net result of this long process which began with the appointment of the Simon Commission in 1928 and ended with the discussion of the Bill in Parliament, is the Government of India Act of 1935. The details of this Act will be examined in another part of this book

Congress from 1934 to 1939 — The interval between the suspension of individual Civil Disobedience in April, 1934, and the commencement in October, 1940, of selective Individual Civil Disobedience against the manner in which India was dragged into the war against Germany and the other axis powers is noteworthy for what appears to be a fundamental departure from the policy of the Congress, namely, the assumption of office under the new constitution inaugurated in 1937 But, before taking up this new phase in the development of Congress activities it seems desirable briefly to refer to the career of the freshly revived Swaraj Party. It will be recalled that Mahatma Gandhi had given his blessings to the desire of a group of Congressmen to take part in the

elections to the Central Legislative Assembly which were due towards the end of 1934. The Congress contested almost every general seat and achieved grand success. It swept the polls almost in every province except in the Punjab. The most important contest was for the Commerce seat in South India. Sir Shanmukham Chetti, who had been elected President of the Central Assembly after his return from Ottawa, and Sriyut Venkatachalam Chetti were the two rival candidates. The first was backed by the Governments of India and Madras; Sir Mohammad Osman, the ex-Home-member of the Madras Government, and the Raja of Bobbili, the Chief Minister, were among the first signatories to his election manifesto. The latter was supported by the Congress. It was a contest between the Government and the Congress, between Britain and India. The constituency was an enlightened one and also quite small. This election was so timed as to lead almost every other election throughout the country, its result was expected to influence elections elsewhere. In several ways it was a test fight. The Indian National Congress which Lord Willingdon had hoped to crush once and for all by his brutally repressive measures turned out to be very much alive and kicking; its candidate defeated the Government protegee by a handsome margin of votes. The record of the Congress Party in the Legislative Assembly was equally bright. With the help of other progressive elements in the Assembly it was able to inflict defeats on the Government several times.

The General Elections of 1937 and after — The Congress decided to contest the elections to the provincial legislatures under the new Constitution. Its leaders who knew the mind and temper of the nation well were confident of sweeping the polls though the bureaucracy was confident that Congress could not obtain anything like a victory. The Congress President for the year, Pandit Jawahar Lal Nehru, made a whirlwind tour of the country and addressed innumerable meetings in big cities and villages and roadside places. There was intense excitement and great enthusiasm. The message of Swaraj was carried to every nook and corner of the country. Never before was there so keen an interest in elections to the legislatures. The Congress gave

the lie direct to its detractors, the British authorities, by the astounding success it won all over India. In six of the eleven provinces of British India it secured absolute majorities, in two it was the largest party but not in an absolute majority. It was only in Bengal and the Punjab that it was not very strong. It is worth remembering that the Congress fought the elections not with a view to working the reformed constitution but rather to prevent it being worked by others as the British Government desired it should be worked. Its slogan was to wreck the constitution.

After the elections had been fought and won, the question of how to wreck the Act gave birth to a long-drawn-out controversy between those who favoured acceptance of office to give a fight to the Government from within, and those who advised non-acceptance of office by the Congress and to make it impossible for others to run the show. Mahatma Gandhi intervened and set the controversy at rest by advising acceptance of office if the Governors gave an assurance that they would not use their special powers in the day-to-day administration. This assurance was not given at the outset, but after several months of waiting the Governor-General made a statement which indirectly amounted to what the Congress demanded. The Congress formed ministries in July, 1937, in eight out of the eleven provinces. It had a hand in the formation of ministry in Sind. In Bengal it could have played a big part had it so liked. Only in the Punjab was it a negligible force. To run administration was a new experience, but it acquitted itself well. It gave the masses a new sense of dignity, self-respect and self-confidence. Though at a later stage the Muslim League which had its own account to settle with the Congress for not being allowed to share the power that had come to it, complained that the minorities had been subjected to atrocious treatment during the two years of Congress administration, the various Provincial Governors who had to deal with Congress ministries declared their entire satisfaction with the honourable and efficient manner in which the administration was conducted by Congress Ministers. But with the declaration of war in Europe this relatively happy time for India with a progressive administration under Indian leadership came to a sudden end towards the close of 1939.

with the resignation of Congress ministries. Why they resigned and what were the consequences of their resignation are important questions which require a fuller treatment than what has been accorded to the interval between 1934 and 1937.

The European War and its Aftermath.—As the shock of war approached England, the government of Chamberlain 'handled India as the Empire had always handled her in the past. In August Indian troops were despatched to Egypt, Aden and Singapore. Secrecy was desirable, and the thing was done, as technically the authorities had a right to do, without vote, debate or sanction from any representatives of the Indian people. A white hand moved these Indian soldiers like pawns across the chess-board of world politics, in a quarrel not their own.*' In the same manner, the Viceroy declared India a belligerent on the side of the Allies without consulting the legislature. Through its embodiment, the Indian National Congress, nationalist India resented this manner of doing things which was almost an affront to her self-respect. It declared that no outside authority could impose its decision on the Indian people in the vital issue of war and peace. Though anti-Fascist and anti-Nazi to the core, the response of the nation to the invitation of the King to India to fight for a principle 'which is vital to the future of mankind' was reluctant and sullen. It stood in sharp contrast with her response to a similar invitation in 1914 which was spontaneous and overwhelming. The manner in which the governments of Lords Reading and Willingdon had tried to smother and crush the nationalist movement, and the way in which the British Government in England had handled the Indian issue during and after the Round Table Conferences, now bore fruit. Itself unfree, nationalist India was not prepared to fight at the bidding of its masters to make and keep others free. But the political leaders of the country, taking their stand on the moral principle of not taking a mean advantage of the difficult position of Great Britain, did not like at that early stage to precipitate a political turmoil in the country by advising active hostility to the war effort. The Congress contented itself

with withdrawing its members from the Central Legislative Assembly. At a later stage it asked the British Government to declare its war aims, and offered whole-heartedly and fully to co-operate in its war efforts if the war issue was democracy and a world order based on democracy. But, on the other hand, if the war was being waged for imperialistic purposes, it declared it had absolutely nothing to do with it. India was made the crux of the problem. If Great Britain was engaged in war against Germany in defence of democratic principles, she should be prepared to establish full democracy in India. This did not mean that the Congress asked the British Government to give India a new constitution during the war, though such a course could not be ruled out as impracticable. What the Congress wanted was that the Government should recognise the right of the Indian people to frame their own constitution through a Constituent Assembly without external interference. But it also made it plain that mere promises for the future would not satisfy India unless something was done in the immediate present as an earnest that the British Government meant to honour its pledge. The one thing which would convince the Indian people of the sincerity of the Government was the establishment of national government at the Centre. These demands of the Congress were embodied in a long, plain-spoken and dignified resolution passed in the middle of September, 1939, by the Working Committee.

The British Government avoided stating their war aims plainly and unambiguously. The British Prime Minister once declared that for the time his war aim was self-preservation. Another cabinet minister said that Britain's war aim was to win the war. That the British Government was not prepared to give India the freedom which is her birth-right and for winning which hundreds of her brave sons risked their lives and thousands of her sons and daughters braved all sorts of hardships and privations, was made crystal clear when at a later stage Mr Churchill frankly asserted that the Atlantic Charter was not to apply to India, and that he had not become the Prime Minister to preside over the liquidation of the British Empire. The Viceroy also referred to the announcement of a previous Viceroy that 'the natural issue of India's

progress is the attainment of Dominion Status'. As for the Congress demand for some immediate earnest of Britain's allegiance to democracy, all that the Viceroy promised was to form a consultative group with which he would discuss from time to time the conduct of the war. The policy of the Government in relation to India was expressed in a White Paper issued on October 17, 1939. This evidently failed to satisfy the Congress. It became clear that democracy was not the issue of the war at all, and the British Government was not prepared to transfer power to the people of India. Under these circumstances it became imperative for the Congress to call on the ministries it controlled to resign. It could not co-operate with the Government in its war effort without denying itself completely. It could not continue in office because it would have meant co-operation with the Government in the war effort. So the Congress ministries resigned in October, 1939. This time the Governors did not make any attempt to form minority governments, but suspended the constitution altogether under Sec 93 of the Act, and assumed all powers except those of the High Court. In two or three of them the Proclamation suspending the Constitution was revoked at a later date and the constitution began to function, at least nominally. In the rest the Governors are carrying on the administration with the help of advisers till this day.

About a year passed after the resignation of the Congress ministries without any serious developments. An important event, however, occurred about the middle of the year. Moved by the fate of Norway, Holland, and Belgium, and the collapse of France, Pandit Jawahar Lal Nehru got the Working Committee to pass a resolution offering co-operation to Great Britain as a war measure, provided responsibility was transferred from Westminster to India and the British Government agreed to accept the Central Legislative Assembly as constituted under the Act of 1919 minus its official and nominated element, as the Legislature to which the Government of India shall be responsible in fact, if not in law. This resolution passed at Poona was a great concession made by the Congress with all its pacifism and belief in non-violence. Even the *Statesman* saw nothing dangerous or impracticable in this resolution and opined that its rejection 'would savour of timid and disastrous

statesmanship unsuited to the times '* The Government reply to this generous proposal was the August Offer. It authorised the Viceroy to invite a certain number of representative Indians to serve on his Executive Council, to establish a War Advisory Council which would meet at regular intervals and which would contain representatives of Indian States and other interests in the national life of India as a whole. It also renewed the promise of Dominion Status with the significant addition that His Majesty's Government 'most readily assent to the setting up after the conclusion of the war, with the least possible delay, of a body of representatives of the principal elements in national life, in order to devise the frame-work of a new constitution, and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree'. The first part of the offer to take representative Indians on the Executive Council, though a substantial gain, fell far short of real transfer of power which the Congress had all along demanded. Its second part might have meant the setting up of a Constituent Assembly, or merely another Round Table Conference. The first interpretation would have satisfied the Congress, the latter perhaps not. But what led the Congress to reject this August Offer was not these inadequacies but the sting contained in the following words

'It goes without saying that they (the British Government) could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a government.'

Put in easily intelligible language this great concern for minorities like the Muslims and the Depressed Classes means that they are given a vetoing power over any constitution the rest of India might frame. When one remembers the unholy alliance between these minorities and the die-hards in Great Britain during the Second R. T. C., one begins to realise the true significance of this great regard for the welfare of the minorities.

* Quoted in the *Indian Annual Register*, 1940, Vol. II, page 86

The Government's declaration also referred to the obligations Great Britain owed to the Princes.

This August Offer was considered by the Working Committee in its Wardha meeting held from the 18th to the 23rd of August, 1940, and rejected, because its contents and the speeches made on behalf of the British Government clearly showed that the British Government were not willing to part with power in favour of the elected representatives of India. The Committee regretted to note that the issue of the minorities was being made an insuperable barrier to India's constitutional progress, a regular Aaron's Serpent extemporised to swallow up all other vital political issues.

The Congress reacted to this August Offer by inviting Mahatma to start Individual Civil Disobedience. Not wishing to do anything which might prejudicially affect the British Government in their life and death struggle against the Axis powers, and at the same time desirous of proclaiming to the world that India was not voluntarily on the side of Great Britain and demanded freedom for herself, Mahatma Gandhi limited Civil Disobedience to individuals selected by himself. Under his direction all the Congress leaders, provincial and local, members of the legislatures, presidents and members of the provincial, the district and the town Congress committees, courted imprisonment by declaring their intention to make speeches against the war. In all about 12000 persons were sent to the jail for exercising their right of free speech in the midst of a war alleged to be fought for freedom. Mahatma did not start mass civil disobedience as he was too good and decent to strike the Government hard during a difficult period.

While this symbolic Civil Disobedience was going on, the Viceroy enlarged his Executive Council and also set up a War Advisory Board. The Indian members who now were in a majority in the Executive Council (it should be remembered that none of them was placed in charge of the *vital* portfolios) secured the release of Civil Disobedience prisoners early in December 1941. The Congress reciprocated by offering to play its part in the defence of India on certain terms. It thus kept the door open for further negotiations. The Government, however, would not

go beyond its August offer, and the differences between it and the Congress remained unbudged

The Cripps Mission and After — The fall of Singapore, the Japanese conquest of Malaya, the fall of Rangoon and the impending loss of Burma made His Majesty's Government realise the necessity of appeasing India and rallying all the forces of Indian life for the defence of the country against the menace of a Japanese invasion. They accordingly sent out to this country Sir Stafford Cripps who had many friends in the Congress, on a mission of good-will and with their own proposals for the solution of the Indian constitutional problem. These proposals fall into two distinct parts, one dealing with the future and the other with the present. The proposals dealing with the future were fairly elaborate and definite, they marked an appreciable advance on anything the Government had offered in the past. They virtually conceded what nationalist India had been demanding for the last several years through its mouthpiece, the Congress. But the Congress was interested more in the immediate present, and made the Government proposals pertaining to it the subject of discussion and negotiation with Sir Stafford Cripps. This part of the offer was vague and did not in the least come up to the Congress demands. It was the utter inadequacy of the *immediate* part of the offer which led the Congress to reject the entire Cripps scheme. Unfortunately the Cabinet had made the offer rigid and asked India to accept or reject it as a whole. The draft proposals were not capable of amendments save in minor details.

According to the Draft Declaration Sir Stafford brought with him, His Majesty's Government undertook to set up in India, immediately upon the cessation of hostilities, an elected body for framing a new Constitution for India. Thus the Congress demand for a Constituent Assembly was for the first time conceded, though the manner in which this Assembly was to be constituted left something to be desired. In the second place, the Draft Declaration made it clear that the new Constitution which it was the task of the Constituent Assembly to prepare, would be on the Dominion and Federal bases. The New Indian Union which would come into existence would be associated with the United Kingdom

and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs. This certainly concedes the substance of independence which would have satisfied Mahatma Gandhi. It is true that the term *independence* does not anywhere occur in the Declaration, the reality, however, is there, since a Dominion is free to secede from the empire whenever it likes. In the new constitution there would have been no reserved departments and so special powers of the Governor-General, comparable to what exist under the Act of 1935. In the third place, His Majesty's Government agreed that the new Indian Union would come into being as the result of a treaty to be negotiated between the Constituent Assembly and themselves which shall cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands.

These were important gains which, no responsible body could have been expected to throw away. Therefore they must have been some cogent reasons for the rejection of the Cripps offer by the Congress. Let us study them. In the first place, the Congress could never reconcile itself to the proposals that the Indian Princes should *nominate* the delegates to the Constituent Assembly assigned to the States. There was no provision in the scheme for their *election* by the State subjects. This meant that there would be a solid block of about a third of the total strength of the Constituent Assembly which would insist on shaping the new Constitution as the British vested interests would dictate, *i.e.*, in a very reactionary manner. This solid block would have pulled its weight in an anti-national direction at the time of negotiating a treaty with His Majesty's Government for the settlement of necessary matters. It is thus obvious that the proposal to invite the States to nominate their representatives to the Constituent Assembly vitiates the whole scheme. So long as it stands, it takes all away from the value and significance of the offer of 'self-government'. In the second place, by giving the provinces the right to keep out of the Indian Union it minimises the chances of the success of the new Constitution. To concede the demand for Pakistan in advance is extremely vicious, it is to make the communal problem still more difficult of solution in the long run. This,

however, did not materially influence the Congress attitude, it deplored the encouragement the offer gave to the idea of separation, but expressed its resolve never to compel the people of any territorial unit to remain an integral part of the Indian Union against their declared and established wish.

Important and vital as are the considerations as pointed out above, it is not because of them that the Congress rejected the Curpps offer. Had the negotiations it carried on for several days with Sir Stafford Curpps terminated satisfactorily, it would have accepted the offer and co-operated with the British Government in meeting the impending danger of a Japanese invasion. But it found that the authorities in England and India were not willing or prepared to part with power in any real sense. The Draft Declaration contained the following words: 'During the critical period which now faces India and until the new Constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of the world war effort.' Judged by the criterion laid down by the Congress in its resolution passed soon after the declaration of War, namely, that 'the real test of any declaration is its application to the present', the British offer was most inadequate and unacceptable. The Congress position is very clearly and forcefully explained in the following resolution:

'Any proposal concerning the future of India must demand attention and scrutiny, but in to-day's grave crisis it is the present that counts and even the proposals for the future in so far as they affect the present. The Committee necessarily attached the greatest importance to this aspect of the question and on this ultimately depends what advice they should give to those who look to them for guidance. For this the present British War Cabinet's proposals are vague and altogether incomplete, and there appear to be no vital changes in the present structure contemplated. It has been made clear that the defence of India will in any event remain under British control. At any time Defence is a vital subject, during war-time it is all important and covers almost every sphere of life and administration. To take away Defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and nullity, and to make it perfectly clear that India is not going to be free in any way and

her Government is not going to function as a free and independent Government during the pendency of the war.

'The Committee would repeat that the essential fundamental prerequisite for the assumption of responsibility by the Indian people in the present is their realisation as a fact that they are free and are in charge of maintaining and defending their freedom. What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in the matter of Defence. It is only thus that even in this grave eleventh hour it may be possible to galvanise the people of India to rise to the height of the occasion. It is manifest that the present Government of India, as well as its Provincial agencies, are lacking in competence and are incapable of shouldering the burden of India's defence. It is only the people of India, through their popular representatives, who may shoulder this burden worthily. But that can only be done by present freedom and full responsibility being cast upon them. The Committee are, therefore, unable to accept the proposals put forward on behalf of the British War Cabinet.'

This was a reasonable and just position to take. The Congress could ask the people of India to shed their blood in the defence of their real and present freedom with hopes of an enthusiastic response, its call for fight in defence of a freedom not yet theirs would have fallen on deaf ears. It is only mercenaries who can fight for the freedom of others, it is only free people who can carry on a people's war. This psychology the British Government did not understand, perhaps, they intentionally refused to do so. The Delhi talks thus broke down, not on any communal question as Sir Stafford Cripps later on asserted, but on the question of Defence. The Congress demanded control over Defence on the plea that the war could be fought and won only on a popular basis. The British Government, however, did not trust the people, even in the hour of dire necessity it did not agree to arm the people whom it has emasculated for generations.

Another question besides that of Defence on which the Delhi talks between the Congress and Sir Stafford Cripps broke down, was that of the status of Indian leaders if they joined the Viceroy's Executive Council. Were they as members, to be responsible to the Viceroy and the Secretary of State as hitherto, or to the elected

representatives of the people in the legislature? The Congress demand was that the Governor-General should become something like the constitutional head of the State, bound to accept the advice of his Council, but without the power of over-riding its decisions in any way. In short, the Congress wanted that the Council should be treated as a Cabinet. To this, however, the Government was not agreeable, the authorities in England and India were never prepared to concede power to any National Government. So the talks broke down, and His Majesty's Government withdrew the offer.

Aftermath — Our chronicle of events subsequent to the failure of the Cripps Mission must be brief. The Indian situation deteriorated quickly, the gulf between the Congress and the Government widened. Mahatma Gandhi began openly to talk of revolt, and gave birth to the idea of 'Quit India'. For four long months Mahatma thought loudly about his intentions of giving the Government ample opportunity to re-open negotiations and to ease the situation. The latter, however, sat tight and followed the 'do nothing' policy, and perfected its machinery to attack and crush the Congress. On August 8, 1942, the A I C C met at Bombay and passed a long and well reasoned resolution calling upon the people to start civil disobedience *if the Government did not take any steps to satisfy the national demand*. Meanwhile Mahatma Gandhi was thinking of seeking an interview with the Viceroy with a view to making a final effort at settlement. But that was not to be. The Government arrested Mahatma Gandhi and other members of the Working Committee in the early hours of the morning on the 9th. Important Congress workers in every town were also rounded up and detained without trial for an indefinite period.

The Congress did not actually start any campaign of Civil Disobedience, but had merely passed a resolution to that effect. The Government took the drastic step and plunged the whole country into chaos. The masses became wild with rage at the unprovoked arrests of their revered leaders and began to tear up railway lines, destroy cables, cut off telegraph lines, set fire to police thanas and other government buildings. It seemed as if there was a rebellion in the country, unarmed and leaderless though the masses were. The Government, on their part resorted to

ruthlessly repressive and stern measures to quell the disturbances and were successful in reconquering the country with their superior brute force. Into the story of those terrible days it is no part of our business to enter.

When all was over, the Government sought to throw the entire responsibility of the August disturbances upon the Congress. But the Congress leaders could not refute the government allegations from behind the prison bars. So Mahatma Gandhi protested against the government accusations and entered upon a twenty-one days fast to demonstrate his innocence. His life was in great peril, and once or twice he came very near to death. But he baffled medical science and survived the ordeal, in spite of his old age and physical weakness. He fell ill in detention, and in May, 1944, the Government released him unconditionally on medical grounds. After release he tried his best to end the deadlock in the country, but in vain. The government were in no mood to conciliate the people. A few members of the Working Committee were released on medical grounds at a later stage.

Though the war in Europe has ended in complete victory for the Allies, and though victory has been officially celebrated in the country, the Congress President and his colleagues on the Working Committee are still detained in prison*. The methods adopted by the Government in dealing with the situation in the country after the August disturbances and the continued incarceration of national leaders have left a legacy of bitter memory behind which shall make the task of reconciling India to Great Britain very difficult indeed.

Groups within the Congress. — The student should remember that the Congress is not a perfectly homogeneous body, there are individuals and groups within it having different views with regard to the future social order in the country. On the one side there is a very large group headed by Mahatmaji and his close associates like Sardar Patel and Rajendra Babu, which believes in a society based upon non-violence. On the other hand, there is a growing group of communists who draw inspiration from a different source and believe in class-war. Midway between the two is the group of

* Till this day, June 4, 1945, there is no change in the political situation. The deadlock continues. It is, however, believed that it may soon be ended on the return of Lord Wavell.

the Congress Socialists with Pandit Jawahar Lal and Dr. Ram Manohar Lohia who, while retaining belief in non-violence, want to establish some sort of socialism in the country. The Forward Block led by Subhas Chandra Bose stood at one time for a more radical programme than the central group. There are other elements also which may be passed over.

The Character and Aims of Indian Nationalism.— The Indian National Congress whose chequered history extending over half a century and more that we have attempted briefly to narrate in the fore-going pages is the architect and also the mouthpiece and organ of Indian Nationalism. It has given to the latter a character and spirit which are in some respects different from those of other nationalisms. It would not be out of place to refer to them at this stage.

In estimating and appreciating the character and spirit of modern Indian Nationalism one must always remember that it has been largely shaped and moulded by Mahatma Gandhi during the last quarter of a century. It is chiefly due to him that it seeks to articulate the needs and aspirations of the semi-starved and dumb millions that lie scattered through the length and breadth of the country and is not designed to promote the interests of the well-to-do sections and the intelligentsia, who constitute a very small fraction of the total population and are confined mostly to towns. Mahatma Gandhi gave expression to this aspect of Indian Nationalism, when in the course of a speech delivered at the Second Round Table Conference he declared on behalf of the Congress that it would sacrifice every interest for the sake of the interests of the dumb millions of India. The Congress is not a bourgeois body, and it does not represent merely the intelligentsia. It has placed the idol of *Daridryanarayan* on the pedestal of its nationalism.

In the second place, Indian Nationalism seeks to attain its goal of Indian independence through peaceful and non-violent means. Its method is *Satyagraha* and not brute force, it appeals to the best and highest in man and not to his low, passions and base desires. This resort to the method of *Satyagraha* is highly significant. It means that the free state of India which is to come into existence in the near future would eschew imperialistic ambitions. Coupled with its devotion to the welfare of the

down-trodden masses of Indian humanity, it signifies that the new state would also be free from plutocratic domination. It would also be a democratic state. Indian Nationalism, thus, is wedded to the democratic ideal; it is anti-imperialistic and anti-plutocratic.

Insistence upon satyagraha as its sole method also ensures that it would be just and fair to the various minorities included in the Indian nation, that the latter would not be crushed or suppressed, but that every facility would be given to every minority community to promote its religion, culture etc., in the light of its own genius. The Congress resolution on minority rights lays down that its primary duty and fundamental policy is to protect the religious, linguistic and cultural rights of the minorities in the country and to assure them of the widest possible scope for their development. It also promises them participation in the fullest measure in the political, economic, and cultural life of the nation. In other words, the ideal at which the Congress aims is a rich and diversified nationalism in which there will be ample room for every constituent part of the nation to develop itself freely and fully. Mahatma Gandhi can never be a party to the suppression and exploitation of one community by another, he works for and aspires after the welfare of the *whole* of Indian humanity.

Communal harmony and unity has always been one of the main items in the Congress programme. It is true that it has not yet been achieved, communal dissensions still continue to disfigure our social and political life. The Moslems and the Hindus distrust and suspect each other. But the responsibility for this failure is not that of the Congress, the circumstances have been too strong for it. It may be hoped, however, that better counsels will prevail in the not distant future and communal amity and concord will be attained at last.

THE INDIAN LIBERAL FEDERATION AND OTHER PARTIES

The Liberal Federation — The Indian National Congress with the development and activities of which we were concerned in the preceding pages began its career as a constitutional critic of the Government of India. It was at first pledged to

the employment of only constitutional means for the attainment of its ends. For the first twenty years of its life its affairs were also controlled by men who had a deep and unshakable faith in English integrity and sense of justice. But the various 'missions, omissions and commissions' for which the long regime of Lord Curzon became notorious, made the young men of India ask the pertinent question 'What is the good of constitutional agitation if it only results in insults and the partition of Bengal?' So a party of extremists led by Tilak, Lajpat Rai and Bepin Chandra Pal arose in the Congress, and thus for the first time the distinction between the Extremists and Moderates sprang up within its fold. The two groups were distinguished not by any difference in the end or purpose they pursued — this was the same for both, namely, self-government for India — but by the *methods* each recommended for the attainment of the common goal. As a result of the expulsion of the extremist element from the Congress after the Surat session, it remained wedded to moderation till 1915. It was over the issue raised by the Montford Reforms that the two groups once more came to a parting of ways, and the Moderates seceded from the Congress and organised themselves into a separate party called the Liberal Party. The party still exists and contains all those patriots who want to see the motherland enjoy the benefits of self-government but refrain from employing direct action and are firm believers in an indissoluble connection with the British Empire. At the present time, therefore, Moderates differ from Congressmen both in respect of the goal they have set before them and the methods to be adopted for realising it. The Congress stands for *Complete Independence*, it does not want to retain any connection with the *Empire*. The word *empire* stinks in the nostrils of true Congressmen. The Moderates, or Liberals as they prefer to style themselves, want to remain within the British Empire, their ideal is the attainment of Dominion Status by India as an integral part of the *Empire*, — the creed of the Congress before it came under the influence of Mahatma Gandhi and Jawahar Lal Nehru. This is a fundamental difference. It was on the issue of Independence *versus* Dominion Status that Mrs Besant, once one of the radicals and extremists in the Congress, finally left it and became almost a Liberal though she did not formally join the Liberal Federation.

The differences between the Congress and the Liberals with regard to the nature of method are equally vital and fundamental. The Congress has completely lost faith in the sincerity of British intentions, it does not believe in British philanthropy in matters of politics. It has therefore repudiated the method of prayers and petitions, representations and deputations, and pins its faith in Satyagraha or soul-force. It tries to create faith in the strength of the individual and the collective soul of the nation sufficient to compel the British statesmen to yield to its demands. Its motto is 'soul-reliance' in the sense of self-reliance. The Liberal party, on the other hand, continues to swear by constitutional agitation, its confidence that British statesmen would ultimately grant self-rule to India voluntarily, though shaken, is not yet shattered. Hence we see that, whenever possible, it has co-operated with the Government in working the various Reforms introduced in the country from time to time. Its members have been always willing and ready to enter the Councils and Assemblies and accept offices whenever the Congress has boycotted them. It should be borne in mind that the Liberal Party came into existence in 1918 on the eve of the introduction of the Montford Reforms. When Mr Montague visited India in November 1917, he came to an understanding with some of the leaders of Bengal about the reforms he hoped to introduce in the Government of India. He also encouraged those who were willing to support his reform scheme to form themselves into a separate party. Shortly before the publication of the Montford Report, the National Liberal League was started in Bengal. Mr Surendranath Bannerji who had taken a prominent part in organising the Indian Association in 1878 was amongst the foremost of the persons who assisted in the birth of the new party in 1918.

The Indian Liberal Federation counts several prominent political leaders among its members. The late Sir Surendranath Bannerji, the late Sir C. Y. Chintamani, and the late Sir Sivaswami Iyer, and the Hon. Sir B. N. Basu were among its pillars of strength. Among living politicians of eminence who are Liberal we may mention the Hon. Srinivas Sastri, Sir Chimanlal Setalvad, Sir Tej Bahadur Sapru, Pandit Hriday Nath Kunzru, Dr. R. P. Pranjpye and Mr. Chandavarkar. It has, thus much talent know-

ledge, and experience in it But it does not exert an influence upon the course of political life in the country at all proportionate to its worth and capacity The reason is that it has no mass following Its programme and policies appeal only to a handful of intellectuals, they have little or no attraction for the masses who follow the lead of the Congress Like the old Congress whose traditions it has inherited, the Liberal Federation has made no efforts to establish any contact with the masses It cares more for work which might influence the Government than for the political education of the masses It holds its annual sessions like the Congress, but in big cities and not in villages, its delegates are drawn from the intelligentsia and not from the masses It passes resolutions drawing the attention of the Government to what it considers to be evils in the administration of the country and urges for their removal It does not, however, take any direct action to implement them It is critical not only of the doings of the Government, but also of the policies and programme of the Congress The Government made full use of the Liberals in suppressing the various movements for the freedom of the country which the latter very severely criticised It patted them on the back and rallied them round it whenever it suited its interests to do so, but as soon as its purpose was achieved, it ignored and neglected them

But to give them their legitimate due, this also must be borne in mind that they have always tried to follow a fixed principle of their own and never made any capital out of any cheap slogan of the market place, or the magnetic attractions of such names as Mahatma Gandhi or Pandit Jawahar Lal Nehru Again, neither their convictions nor their actions have ever been swayed by passion

The Liberals entered the first reformed Councils under the Montford Reforms which were boycotted by the Congress and did much good work as Ministers. So long as Mr Montague was the Secretary of State for India, the Government of India worked the Reforms in a sympathetic spirit and the Liberals could justify their policy of accepting and working the reforms The resignation of Mr. Montague was the signal for a change in the

policy of the Indian Government. As the late Sir C. Y. Chintamani wrote : 'There was an attempt to deny the spirit of the Reforms while seeming to observe the letter of the Act' The next elections were contested by the Swaraj Party of the Congress and the Liberals were routed. At this stage even the Government discarded them

But the Liberals joined the Congress in boycotting the 'all-white' Simon Commission. At places some of them might have even received lathi blows along with Congressmen as members of the 'black flag demonstrations' At a later stage they co-operated with the Congress in the All-Parties Conference and assisted at the production of the Nehru Report. This working shoulder to shoulder with the Congress was, however, shortlived, it came to an end with the invitation by the Government to join the Round Table Conference which the Congress rejected and the Liberals accepted even though the conditions as laid down by the All Party Manifesto were not fulfilled by the Government. When the Congress was in the wilderness in 1930, and again in 1933, the Liberals enjoyed the hospitality of His Majesty's Government in England and participated in the deliberations of the R. T. Conference. Since then there has been no occasion for collaboration between the two wings of Indian Nationalism. It may be surmised, however, that if an opportunity occurred, the Liberals may again work in harmony with Congressmen provided their fundamentals are not involved.

Other Parties — Besides the Congress and the Liberal Federation there are other political organisations also in the country whose activities have had varying degrees of effect on the growth of the political life in the country. Chief among them are the Muslim League, the Hindu Mahasabha, the Jamiat-ul-Ulma-i-Hind, the Akali Dal, and the Communist party. With the exception of the Communist party, all of them are communal or sectarian in character. Not being *national*, they are not considered in this chapter, their contributions to the political life of India will be discussed in the next chapter. Here a few words about the Communist party may be added.

In its origin and purpose the Communist party differs radically from the Congress and the Liberal Federation. Its growth is

connected with the development of Trade Union movement in the country. From the very start the Communist leaders directed their efforts and attention to capturing the labour organisations, and by 1929 the Communists had captured almost every important union except the Textile Union of Ahmedabad. The Ginn Kamgar Union of Bombay was the most important organisation controlled by them. They encouraged strikes of the workers with a view to the organisation of the proletariat against the capitalists and the final establishment of communism in the land. Thirty-one leaders of the movement, were arrested, and stood trial at Meerut on the charge of an organised conspiracy. At a later stage they joined the Congress and wanted to capture local Congress committees. Anti-imperialist to the core, they tried to popularise the slogan of People's War after the entry of Russia in the great European War. They used their influence with the mill labourers in favour of government during the hectic days that followed the mass arrests of Congress leaders and workers in August, 1942, and even helped the Government in their war effort in all ways open to them. On account of this attitude of theirs they have been turned out of the Congress in some provinces and are now ploughing their furrow alone. At the present time they advocate release of the detained Congress leaders and communal unity on the basis of self-determination for the various communities. They usually support Pakistan. Their doctrines appeal to the radically minded young students, and they attempt to capture the Student Federations. They have their own organs and organisation.

SUPPLEMENT TO CHAPTER V

THE NON-POLITICAL WORK OF THE INDIAN NATIONAL CONGRESS

Introductory — Though the Indian National Congress is fundamentally and essentially a political organisation, and though its main objective is the winning of national freedom, it has not confined its activities to the political sphere alone, it has to its credit a good deal of work in the economic and social fields as well. In this connection it is well to remember that according to its founders the aim of the Congress was 'the regeneration of India on all lines, spiritual, moral, social, industrial and political,' though

in the early stages its energies were principally directed towards the national and political objective. It was Dadabhoi Naoroji who first drew the attention of his colleagues and co-workers to the staggering poverty of the masses, but the Congress did not take any direct step for ameliorating the condition of the masses. All it could do was to give encouragement to Indian industry by laying stress on Swadeshi. Things changed with the advent of Mahatma Gandhi whose constructive programme with its insistence on hand-spinning, removal of untouchability, and the promotion of communal amity made work in the economic and social spheres an integral part of Congress activities. It may be said that what it has been able to achieve in this direction is not less vital or significant than its achievements in the strictly political arena. Indeed, one might go further and maintain that the measure of our success in the political objective depends upon and is conditioned by the measure of our achievement in the economic and social spheres. It is the perception of this truth that has led Mahatmaji to lay great emphasis on the constructive programme. In this supplement we propose very briefly to describe what the Congress has done in various non-political spheres.

(1) **Economic** — From the nature of the case all that the Congress can do for the promotion of industry is to give encouragement to the industrialist. This it has done in an abundant measure. It has encouraged Swadeshi from the Partition days and has thus given a great fillip to struggling industries. The propaganda for the boycott of foreign cloth and British goods as part of the Civil Disobedience movements also stimulated Indian industries. During the last quarter of a century it has tried to revive the old and dying cottage industries, notably hand-spinning and hand-weaving. The All India Spinners' Association and All India Village Industries Association were set up under the Congress auspices under the guidance of Mahatmaji. To-day they are independent of the Congress. Paddy husking and flour grinding, oil pressing, gur making, bee keeping, paper and soap making, tannery and leather work, coir spinning and weaving, mat and basket making, horn-work, button manufacture, and slate pencil manufacture are a few of the industries started at suitable centres by the Village Industries Association. When the Indian National Congress assumed

the responsibilities of office under the Act of 1935, one of its first acts was the setting up of the National Planning Committee under the chairmanship of Pandit Jawahar Lal Nehru. What is significant to remember in this connection is the fact that congressmen have, as a class, begun to feel for the masses; they deem it their duty to ameliorate their economic condition. The Congress, when in office, lost no time in passing legislation to improve the conditions of the agrarian population.

(ii) **Social** — In the social sphere the promotion of communal amity, removal of drink evil and the eradication of untouchability have figured prominently in the Congress programme from the day Gandhiji assumed leadership. When communal bitterness became acute and led to communal rioting involving the shedding of innocent blood, Mahatmajī went on a 21 days' fast at Delhi. It is sad to note that on account of political exigencies the communal situation has grown worse, Congress efforts have borne little fruit. For picketing liquor shops thousands of men and women braved the rigours of jail life and suffered lathi blows at the hands of the police. When Congress formed ministries in several provinces, it introduced compulsory prohibition in selected areas as a part of its programme of complete prohibition within three years. The experiment would have proved successful, had Congress remained in the saddle for a few years more. After the resignation of the Congress ministries it was withdrawn by the new regimes set up under Sec 93. The Congress is one of the most important organisations interested in the removal of untouchability. Its workers have contributed more towards the success of the movement than others. The All India Harijan Sevak Sangh under the energetic secretaryship of Thakkar Bappa is a creation of Gandhiji. Reference should also be made to the great effect the national awakening had on the womenfolk. Thousands of our women came out of the seclusion of the Zenana to take part in the struggle for national freedom. This step greatly accelerated the awakening among them, and Purdah disappeared in the twinkling of an eye from thousands of homes. Awakening among women has come to stay, it is one of the most remarkable non-political achievements of the Congress.

It should also be noted that there is much greater fraternisation between Hindu and Muslim Congressmen than among non-Congress Hindus and non-Congress Muslims. The present writer knows of several Congressite Hindus and Muslims mixing freely with each other and sharing in each other's joys and sorrows

(iii) **Educational.**— It is only in recent years that the Congress can be said to have made some contribution towards the educational activities of the nation. Mahatma Gandhi has placed before the country his scheme of education through craft, popularly known as the Wardha scheme. It has captured the imagination of the people and promises well, it may even revolutionise the present educational system. It shall be described in detail in a subsequent chapter.

In the early twenties of the century when the Congress called upon our countrymen to boycott government controlled and aided schools and colleges as a part of the non-violent Non-Cooperation movement, a number of national educational institutions arose at several places, some of which are still functioning. Under this head we may refer to another vital activity of the Congress. Realising the necessity of having one common language for the whole country through which a person hailing from the North-West Frontier Province might make himself understood in Bengal or Madras or Maharashtra, it took steps to popularise Hindustani as the national *lingua franca*. It is only a vernacular spoken and understood by the largest number of Indians which stands the best chance of serving this purpose. English which has so far served as the medium of communication between the different provinces and in which the proceedings of the national organisation were conducted till lately, is not suited for it. It is the language of the classes and not of the masses for whom the Congress works and strives.

(iv) **National Unity** — The Congress has also made a notable contribution to the development of the sentiment of national unity. Though the factors making for the unity of the country have been present all along, it has to be admitted that the idea of national unity is of recent origin and owes most to the Congress for its growth. The spirit of provincialism is steadily losing ground, and every part of the country feels its unity and oneness with the rest of it. The partition of Bengal roused indignation throughout

the whole country, and all Indians to a man, rose to protest against the cold-blooded and brutal massacre of innocent men, women and children at Jallianwalla Bagh, Amritsar. The Bihar and Quetta earthquakes were regarded as *national* calamities, and help for the distressed flowed from every quarter. National leaders like Mahatmaji, Khan Abdul Gaffar Khan, Maulana Abul Kalam Azad, Jawahar Lal Nehru, Sardar Patel and Rajendra Prasad are welcomed and cordially received in all the provinces. If to-day the whole country stands united in the demand for freedom, the credit is certainly that of the Congress.

(v) **National Character and Spirit** — But by far the most notable contribution of the Congress to nation-building is the great improvement it has brought about in the character and general outlook of the people in general. Whatever might be put to the credit or debit side of the great movements of Civil Disobedience — the Congress has launched from time to time, it is undeniable that they have taught the people the lesson of *fearlessness* which is an inestimable gain. 'The national upheaval has well nigh broken the mental bonds of slavery. Man, woman and child are learning to hold their heads high and breathe as free beings. The dread of imprisonment is gone. The fear of bullets and lathis is also going.' Thus wrote a journalist in 1932.⁴ To-day the average Indian stands up more fearlessly to an Englishman, he has shed the fear of the official and the policeman. He is more outspoken in his criticism and denunciation of the doings of the government and of whatever else he considers to be unjust and wicked. There seems to be a greater love of truth and a larger measure of admiration for the just and the upright. Truly did Mahatma Gandhi declare before the mammoth gathering he addressed at Delhi after the successful negotiation of a pact with Lord Irwin in 1931, that as a result of having passed through the crucible of fire and suffering the moral height of India had increased by half an inch. The Indian National Congress can justly look with pride at the record of its achievements in the non-political sphere as well.

⁴ Quoted in *Modern Review*, January, 1945, page 19. The whole article on Non Political Achievements of the Congress by Dr H C Mookerjee is worth study.

Chapter VI

COMMUNALISM IN INDIAN POLITICS

Communalism : a feature of Indian Politics.— The feature of Indian politics which has attracted the attention of the British press and politicians to the largest extent is not its unquenchable desire for national freedom but its communalism. Communalism has been and is the greatest obstacle in the way of Swaraj. India to-day has become the land of communal organizations and communal loyalties which have seriously retarded the growth of the spirit of nationalism planted by the Indian National Congress more than fifty years ago. The communally minded Hindus, Moslems, Sikhs, and Christians give their allegiance to their respective communal organizations. In such an atmosphere it is not easy for the sentiment of nationalism to develop and expand. The impulse to self-expression and the national awakening which would have swelled the tide of nationalism have been deflected to a large extent from their natural channel and diverted into a narrow communalism and made to serve its ends. What is this spirit of communalism? What agencies have been responsible for its growth? These are questions in which the student of Indian political life is keenly interested. An attempt will be made to answer them in the pages that follow.

The communal problem is sometimes described as the Hindu-Muslim question or the Hindu-Muslim-Sikh question. This mode of designating it is seriously misleading. It suggests that the problem is wholly or mainly religious. It also implies that the Hindus and the Muslims and the Sikhs are the only parties concerned. Both these ideas, though widely prevalent, are wrong. The communal problem is more political than religious, it is *chiefly* political though it masquerades under a religious garb. British Imperial-

ism has been as important a factor in shaping and determining its growth as the clash of political interests between the Hindus and the Muslims. Those who look upon the problem as rooted in religious differences between the Hindus and the Muslims and take no notice of the vital role played by British imperial interests cannot view it in a proper perspective. They start from wrong premises and arrive at wrong conclusions with regard to its remedies. The real problem is how to adjust and satisfy the conflicting claims to a share in *political* power made and pressed by the various communities and classes inhabiting India, — by Hindus, Muslims, Sikhs, Christians, Anglo-Indians, Europeans, landholders, industrialists, labour, and those engaged in commerce. The attitude adopted by the British Government has not only encouraged some communities to pitch their demands very high, it has also made the solution of the problem by mutual agreement between the communities almost impossible. The contest in India lies between the forces of nationalism as represented by the Indian National Congress, the spirit of communalism as embodied in the Muslim League, the Hindu Mahasabha etc., and British Imperial interests. There is thus a communal triangle in our country of which British imperialism forms a very important side or arm. This is the main thesis of a very interesting book called '*The Communal Triangle in India*' by Asoka Mehta *.

Origin of Communalism — The spirit of Communalism which has invaded Indian politics is the resultant of the interaction between two factors: one, the effort of an insurgent Indian nationalism to throw off the foreign yoke, and the other, the struggle of British imperialism against this rising force. In the absence of either of these two forces the phenomenon as we notice it to-day in our midst, would not have arisen at all. Of these two factors, British imperialism is the older in the field and stronger. Indian nationalism became self-conscious and assertive not so very long ago. When it reared its head and became a power to be reckoned with, the former tried to checkmate it by counterpoising one community

the Reforms and the anticipation of what may follow them have given new point to Hindu-Muslim competition'. Very naturally, the Simon Commission would say nothing about the role of British Imperialism in fostering the communal tension.

* Published by Kitabistan, Allahabad.

in the country by the other, and thus produced the monster of communalism which has become the bane of Indian politics. This much must, of course, be admitted that the British Government accentuated and exploited the differences between the Hindus and the Muslims which already existed. It cannot be said to have created them out of a void. For our misfortunes we are thus partly to blame. Let us see how the British Government exploited our differences and created the communal problem.

The British statesmen realised at a very early date that the only way to save the small number of Britishers in India from being overwhelmed by the teeming millions of the country and to secure the safety and stability of British rule was to keep the various communities apart from one another and prevent them from uniting in a common effort to overthrow foreign rule. The policy of 'divide and rule', of turning the communities of India one against the other and preventing the welding of them into a single nation, has always been the corner stone of British administration in this country. Mountstuart Elphinstone, one of the Governors of Bombay during the rule of the Company, wrote as follows: '*Divide et impera* was the old Roman motto, and it should be ours'. Well-versed in this policy the British soon after their arrival in India made ready to apply its strategy to the situation in this country. The two great communities of India, the Hindus and the Muslims, had evolved an attractive pattern of co-operation, not unmixed, naturally, with occasional notes of discord. With all their famed skill, which until recently had made their diplomacy the most powerful in the world, the English rulers decided to put themselves between the Hindus and the Muslims and so create a communal triangle of which they would remain the base". It is instructive to note how the British Government gave effect to their policy of counterpoising one community by the other.

The effects of this policy first became manifest in the reorganisation of the Indian Army effected after the Rebellion of 1857. Before that time Indians stood mixed up in the ranks of the regular forces. There was no division or separation by caste or

clan. The Hindus and the Muslims, the Jats and the Sikhs, and the Poorbeas were mixed up so that each and all lost to some degree their racial or sectarian prejudice and developed a rare spirit of *camaraderie* or *esprit de corps*. It was the sentiment of unity thus created which made the rising of 1857 possible. The reorganization destroyed this sentiment of unity. Regiments, battalions, and companies came to be based on sectarian, caste and class distinctions. To-day we have the Sikh regiments, the Dogra regiments, the Gurkha regiments, the Jat regiments and so on. This new basis developed class-consciousness and stood in the way of the growth of national feeling.

Outside the army, effect was given to the policy by encouraging the one and suppressing the other community. It was the Mohammedan community which the British Government were determined to suppress for they felt that the Mutiny was largely instigated and engineered by members of that community. The Moslems were deliberately excluded from the Army and the Government services, while the Hindus were shown every preference. It has been computed that in 1871 out of a total of 2141 persons in the employment of the Bengal Government there were only 92 Muslims as against 711 Hindus and 1338 Europeans. Efforts were made to ruin them economically and educationally also. The Permanent Settlement of Bengal seems to have been made with that end in view. It enriched the Hindus at the cost of the Mohammedans. But forces were at work which brought about a change in the attitude of the British Government towards the Muslims. Sir Syed Ahmad Khan tried his best to show that the suspicions of the Government were unfounded, and endeavoured hard to bring about a *rapprochement* between his community and the Government. In this he was eminently successful. The political situation in the country was very much in his favour. There was a good deal of political awakening in the country. The Indian National Congress had come into existence and begun to criticise the policies of the Government. Muslim leaders like Allama Shibli Numani, Mualana Rashid Ahmad Gangohi and Maulvi Lutfullah of Aligarh advocated common cause with the

* Ibid, page 85

Hindus. In a speech delivered at Guidaspur in 1884, Sir Syed Ahmad Khan uttered the following words. 'We (meaning Hindus and Mohammedans) should try to become one heart and soul and act in unison. If united, we can support each other; if not, the effect of one against the other would tend to the destruction and downfall of both'.^{*} Speaking on another occasion he remarked that Hindus, Muslims, Christians and all others who lived in India belonged to one and the same nation, and asked his audience to remember that the words Hindus and Mohammedans were meant only to mark religious distinction and in no way implied that all Indians living in the country did not belong to the same nation.† The growth of such a sentiment could never be welcome to the foreign government who, in order to maintain its stability, found it necessary to take steps to prevent the Muslims from joining the national movement. It reversed its attitude towards the Muslims, decided to patronise them and suppress the Hindus. In keeping the Muslims of Northern India away from the Indian National Congress Mr Beck who had come over to Aligarh as the first English Principal of the newly started M. A. O. College, played a very important role. He had great influence over Sir Syed Ahmad, and made the great Muslim leader oppose in his old age the proposals he had advocated for the greater part of his life. Mr Beck was a great empire-builder, he helped empire-building by successfully keeping the Muslims away from the national movement.

The Muslim Demand for Separate Electorates and the Establishment of the League — Though the Muslims of Northern India did not join the Congress, they had, as yet, no separate organization of their own which could be used by the British Government as a counterpoise to the Congress. The manner in which communal electorates and the League came into existence throws a flood of light upon the working of the British policy of counterpoise and its method of setting one community against the other. To its study we now turn.

To allay the discontent roused in the country by the adminis-

^{*} Quoted by Gurmukh Nihal Singh, *Landmarks in Indian Constitutional and National Development*, pages 372—3

† Vide Wilfred C. Smith, *Modern Islam in India*, page 18

tiation of Lord Curzon, Lord Morley, the then Secretary of State for India, suggested to the Government of India that the time was appropriate for introducing further reforms in the popular direction*. Steps were accordingly taken to implement the idea. This was in 1906. Mr. Aitchbold who had succeeded Mr. Morrison as the principal of the M. A. O. College, wrote a letter to Nawab Muhsin-ul-Mulk, successor to Sir Syed as leader of the Muslim community and President of the College, elaborating the idea of sending a deputation to wait upon Lord Minto. He informed Nawab Sahab that the Viceroy was agreeable to receive the Muslim deputation, and suggested that it should consist of representative Muslims from different parts of India. He also mentioned that the address should express sentiments of loyalty to the Crown, show grateful appreciation of the step the Government wanted to take by introducing further reforms, and *express the apprehension of the Muslim community that if the principle of election were introduced without conceding separate representation to the Muslims it would prove detrimental to their interests*. The idea of communal representation thus did not originate with the Muslims, it had its inspiration in other quarters. The late Mr. Ramsay MacDonald, an ex-Prime Minister of Great Britain, has recorded the opinion in his *Awakening of India* that the agency responsible for the demand for separate communal representation as well as for its introduction was British officialdom. The Deputation that waited upon Lord Minto was, in the language of the late Maulana Mohammad Ali, a 'command performance'. It was organised from Simla. It is not necessary to reproduce here the details of the address presented by the Deputation to the Viceroy and believed to have been drafted by Mr. Aitchbold himself. It is sufficient to say that it demanded the following things for the Muslims: separate electorates, weightage in the reformed legislature, greater representation in the services, help in founding a Moslem University, and protection of their interests in case an Indian was appointed to the Executive Council of the Governor-General. In his reply Lord Minto said that he found himself in entire accord with the general position of the deputationists and assured them that his administration would safeguard their political rights and

* Some writers believe that the proposal for reforms came from Lord Minto

interests. His words are worth quoting. He said : 'You point out that in many cases, electoral bodies, as now constituted, cannot be expected to return a Muslim candidate, and if by any chance they did so, it would only be at the sacrifice of such candidate's views to those of a majority opposed to his community, whom he would in no way represent ; and you justly claim that your representation should be estimated not on your numerical strength, but in respect to the political importance of the community and the services it has rendered to the Empire I am entirely in accord with you.' It would thus appear that Lord Minto was the real author of this vicious system of communal representation. It is important to remember that the demand for separate electorates was opposed by Lord Morley himself who proposed a scheme of joint electoral colleges for the election of all the candidates belonging to different classes and communities. It was also condemned by the *Statesman* of Calcutta which was a habitual supporter of the Government. Nationalist opinion in the country was vehemently against it on the ground that it would widen the gulf between the Hindus and the Muslims and retard the growth of the national spirit. But the Indian Bureaucracy and its supporters in England proved too strong even for Lord Morley who yielded, and the principle was incorporated in the Morley-Minto Reforms Scheme. The observation of Ramsay Macdonald that the 'Mohammedan leaders are inspired by certain Anglo-Indian officials, and that these officials have pulled wires at Simla and in London and of malice aforethought sowed discord between the Hindu and the Mohammedan communities by showing the Muslims special favours', is true cent per cent. It would also interest the reader to learn that in his early days Mr Jinnah, the author of Pakistan and the two-nation theory, was strongly opposed to separate electorates. He was the mover of a resolution condemning this vicious principle at the Allahabad session of the Congress held in 1910. This resolution was supported by Maulvi Mazhar-ul-Haq, a staunch nationalist leader of Bihar.

The Muslim League — The success of the Simla deputation encouraged those who took part in it to start a separate organisation of the Muslims. Invitations were issued for a conference

to be held at Dacca in December 1906, and the All India Muslim League was formed there. Its founders were a group of well-to-do and aristocratic Mohammedans. Their intention 'was to keep the Muslim intelligentsia and middle classes away from the dangerous politics into which the Indian National Congress was then embarking,'* The Constitution of the League defined its aims and objects thus —

'(1) To promote among Indian Moslems feelings of loyalty towards the British Government and to remove any misconception that may arise, as to the intentions of the Government with regard to any of its measures, (2) to protect the political and other rights of the Indian Moslems and to place their needs and aspirations before the Government in temperate language, (3) so far as possible, without prejudice to the objects mentioned under (1) and (2), to promote friendly relations between Moslems and other communities of India'

In its inception the League was thus a communal body which it has remained throughout its entire chequered career. The Muslim League was intended, and it has always tried, to look after and promote the political rights and interests of one particular community and not those of the people of India in general. It was also born as a loyalist body. Its aim was to promote feelings of loyalty towards the British Government among the Indian Moslems and not to foster the sentiment of patriotism and nationalism among them. These features clearly reveal the influence of Mr. Aitchbold, the then principal of the M. A. O. College, and a few British officials who were mainly interested in seeing that the Hindus and the Moslems did not develop any comradeship.

It should be remembered that as thus constituted the League did not command universal support even among the Muslim intelligentsia. Mr. Jinnah was opposed to its communal character. Nawab Syed Mohammad refused to have anything to do with it. Maulana Shibli Naumani trenchantly criticised its policy. Maulana Mohammad Ali started an English paper called the *Comrade* and an Urdu paper named *Hamdard* from Delhi which vigorously attacked its communalism and loyalism. Maulana Abul Kalam

Azad started a paper of his own from Calcutta called *Al Hilal* which aimed at infusing into the people of India a new spirit and a new enthusiasm. Partly as a result of these forces and partly on account of the events which were then taking place in Turkey and other Moslem countries and the attitude of Great Britain to them, and above all, because of the termination of the baneful influence exercised by the British Principals of the M. A. O. College, Aligarh, over the political opinions and activities of the Muslims, a great change was visible in Muslim politics. Progressive leaders like Maulana 'Mohammad Ali, Maulana Mazhar-ul-Haq, Syed Wazir Hassan, M A Jinnah, and Hassan Imam favoured a change in the constitution of the League on progressive and patriotic lines so as to bring it in line with the creed of the Congress. Accordingly its constitution was amended in 1913. Promotion of friendship and union between the Mussalmans and the other communities of India and the attainment of self-government suited to Indian requirements under the aegis of the British Crown were included in the aims and objects of the League. This change paved the way for common action with the Congress. Mr Jinnah took the next important step by inviting the next session of the League to Bombay where the Congress was to meet for its annual deliberations. Thenceforth for several years the two bodies held their sessions at the same place. This enabled the two bodies to collaborate and formulate a joint scheme of post-war reforms. The result was the famous Congress-League scheme adopted by the Congress and the League at their respective sessions held in Lucknow in 1916. Another important consequence of the step taken by Mr Jinnah was that Congress leaders like Mahatma Gandhi, Pandit Madan Mohan Malaviya and Mr Naidu attended the League sessions in 1915, 1916, and 1917, and spoke from its platform in support of several resolutions. The League took on a nationalist hue. The President of its Calcutta session, the Raja of Mahmudabad, in his presidential oration spoke as follows: 'The interests of the country are paramount. We need not tally to argue whether we are Muslims first or Indians. The fact is we are both, and to us the question of precedence has no meaning. The League has inculcated among the Muslims a spirit of sacrifice for

then country as for their religion '.

This change from loyalism to nationalism was remarkable. It enabled the League formally to associate itself with the launching of the great Non-Co-operation movement by the Congress in 1920, to redress the Punjab and the Khilafat wrongs. But the struggle on behalf of the Indian Moslems was carried on by the Khilafat Committee which had come into existence, and not by the League. It may also be pointed out that at that time the Muslim divines or Ulemas who had till then held aloof from active participation in Muslim politics on the ground that it signified nothing more than flattery and expression of loyalty to the powers that be, also threw their weight into the struggle. They organised the famous Jamiat-ul-Ulema-i-Hind which has been nationalistic throughout its career and has 'consistently used its great influence to crystallise Muslim opinion against foreign rule'*. Maulana Mohammad-ul-Hassan who was interned at Malta for anti-British activities during the War was its founder. After his death its leadership passed on to Mufti Kifayatullah. The Jamiat has consistently espoused the cause of Hindu-Muslim unity and supported the National Congress in its fight against British imperialism.

On account of the rise into prominence of the Khilafat Committee and the Jamiat and then great hold on the Muslim masses the League suffered an eclipse after 1920 and remained in a moribund condition for some time. Many of its members, however, secured government patronage and basked in the sunshine of official favour.

The Hindu-Muslim riots which broke out in the country after the withdrawal of the first Non-Co-operation movement by Mahatma Gandhi, the emergence of the Hindu Mahasabha with its twin programme of Shuddhi and Sangathan, and the reversion to the constitutional programme on the part of the Congress gave Mr Jinnah an opportunity to revitalise the League. It should be remembered that Mr Jinnah was a staunch Congressman at one stage, and that he left the Indian National Congress when it renounced the method of political mendicancy and adopted the

* Mehta and Patwardhan, *op cit*, page 87

method of direct action. The League was revived, but Mr. Jinnah could not put life into its lifeless sessions. The appointment of the All-White Simon Commission was the occasion for a split in the League ranks. One section led by Mr. Jinnah was for boycotting it, the other led by Sir Mohammad Shafee was in favour of co-operating with it. The two Leagues held their sessions at Calcutta and Lahore. The Jinnah section co-operated with the Congress and other political parties in the effort to produce an agreed constitution which was embodied in the famous Nehru Report. At the suggestion of the Shafee League a Muslim All Parties Conference was organised to consider the solution of the communal problem as suggested in the Nehru Report, which had recommended joint electorates with reservation of seats for the minorities. In spite of the backing given by the Nationalist Muslims the Conference rejected the idea of joint electorates. This led to a schism in the Muslim ranks. The Nationalist Muslims formed themselves into a separate party. Hakim Ajmal Khan, Dr. M. A. Ansari, Sir Ali Imam, Sir Wazir Hassan, Dr. Syed Mahmud, Mr. Asaf Ali, Dr. Alam, Dr. Kichlew and Maulana Abul Kalam Azad were among the prominent Nationalist Muslims.

The result of the developments sketched above was that there were two distinct groups of Muslim politicians giving lead to the Muslim community in two different directions. On the one hand, there was a group of well-to-do persons who, as usual, looked to the British Government for favours and jobs. The Government was not ungenerous in extending patronage to the members of this group who held positions of vantage in the administration of the country from where they could do some good to their friends and relations. Sir Fazli Hussain and Sir Muhammad Shafee were the leaders of this party. They controlled the Muslim League. The other group consisted of Nationalist Muslims who were members of the Indian National Congress. It was led by Hakim Ajmal Khan, Dr. Ansari and Maulana Abul Kalam Azad. As this group had no power and patronage its influence on the Muslim middle class was weaker than that of the first, though it contained men of sterling character and talent. Mention should also be made of a third element. It con-

sisted of the powerful Ahrar party in the Punjab and the Krishak Proja party in Bengal. The members of this block generally sympathised with the political aspirations of the Congress, but considered its economic policies and programme as halting and inadequate. They naturally could not co-operate with the League.

At this stage Mr Jinnah found himself ploughing a lonely furrow. 'He could not fit in with the Moslem moderates, for politically he was too much influenced by Congress ideology. Nor could he merge with the Progressives among Muslims, for with his orthodox and conservative economic views, they seemed to him rank revolutionaries.' He could not rejoin the Congress which he had left long ago and which was pledged to direct action. It is not surprising that he decided to retire from Indian politics and proceed to England to practise law there. But Providence came to his help. During the space of a few years death removed from the scene of action notable Muslim politicians of all India status. The passing away of men like Hakim Ajmal Khan, Maulana Mohammad Ali, Dr Ansari, Sir Fazl Hussain, Sir Muhammad Shafee left the field free for Mr Jinnah. He returned from England and assumed leadership of the League which he tried hard to put on a strong basis. The general elections of 1937 gave him an opportunity. Under his presidency the League contested the elections to the various provincial legislative bodies but achieved moderate success only. In Muslim majority provinces like the Punjab, the North-West Frontier Province, Bengal and Sind the League was trounced by rival Muslim parties. In the N W F Province the Congress defeated it, in Sind the Azad Muslim Party led by Mr Allah Bux came out victorious. In the Punjab the Unionist party under the leadership of Sir Sikandar Hayat Khan routed it, and in Bengal the Krishak Proja Party was returned as the single largest party among the Muslims. It was only in the Muslim minority provinces like the United Provinces and Bihar that the League candidates were generally successful against non-League rivals. The Congress helped the former as against the latter. It is computed that in all the provinces the League could win even less than 25% of the seats allotted to the Muslims. Out of 485 (according to some 487) Muslim seats, the League captured only 110. This

* Humayun Kabir *op cit*, page 8.

shows that the League did not represent the general Muslim mind. Its fortunes were at a low ebb.

But as a result of the Congress refusal to accept office in the Provinces where it had a majority in the legislature and the break-down of the Congress-League negotiations to form coalition ministries there developed a situation in which the League retrieved its lost position and achieved something which it never had before. It won the real confidence of the Muslims. In Bengal the Proja Party and the League combined under the leadership of Mr Fazlul Haq who perhaps did 'more than anybody else in India to restore the prestige of the League and win for it support among the masses of the land'*. In the Punjab Sir Sikandar Hayat Khan joined the League and thus added to its power. As a result of this realignment of forces the League's prestige and influence stood very high in 1942. The developments in the Punjab after the passing away of Sir Sikandar Hayat Khan and the defection of Mr Fazlul Haq in Bengal at an earlier date, have left the League much weaker than it was two or three years ago. It is showing signs of internal disintegration.

The League and the Congress.—The relations between the two premier political organisations in the country have fluctuated with time. It will be recalled that the League was called into existence as a counterpoise to the Congress and with the object of keeping the Muslim intelligentsia away from its influence. This state did not endure for long. There was a change in the constitution of the League in 1913 which brought it into line with the Congress and led to co-operation between the two. But after the withdrawal of the first Non-Co-operation movement and the extinction of the Khilafat Committee, the two bodies drifted apart. There was, however, no hostility between them as yet. The Congress reverted to constitutionalism and there was little life in the League. With the schism between the Shafee and the Jinnah sections and the defection of the Nationalist Muslims the League fell into the hands of the Moderates and reactionaries and it relapsed into its pre-1910 state. When the Indian constitutional question was being discussed in England and the reforms of 1935 were in the making, the League became active under the leadership of Mr.

Jinnah and showed eagerness to collaborate with the Congress. In 1934 it passed a resolution expressing its readiness to co-operate with other communities to secure such future constitution for India as would be acceptable to the country. In 1935 it condemned the Federal scheme as outlined in the Government of India Act of 1935 on the ground that it would thwart and delay indefinitely India's advance to self-government. In 1936 its president, Sir Wazir Hassan, made an impassioned plea for unity among all the communities of India. But the picture underwent a sudden and tragic transformation in 1937. This year marks as great a turning point in the League history as did 1913, though in an opposite direction. Instead of offering the hand of co-operation to the Congress, venomous attacks were made on its leadership which was accused of pursuing exclusively Hindu policies. It became the fashion to allege that the Muslims could not expect any justice or fair-play from the Congress. The speeches delivered during its 1938 session were marked by an increasing opposition to the Congress. The Congress High Command was charged with being fascist and totalitarian, and the Congress itself was dubbed as a Hindu body out to crush all minor communities, specially the Muslims. Violent language was used in describing what came to be called 'atrocities' perpetrated on the innocent Muslims in Congress governed provinces. It is no part of our duty to refute these baseless allegations. It is sufficient to point out that the Congress President offered to investigate into any concrete instances of such atrocities, but the League never accepted the offer. It is also interesting to observe that the League which sought to proclaim to the world at large the so-called 'atrocities' alleged to have been committed by the Congress during its two years' term of office, has absolutely nothing to say about the systematic manner in which the British Government harassed and persecuted the Muslim community throughout India for about a hundred years till the reversal of its policy in the eighties of the last century.

The reasons for this frenzied outburst against the Congress are clear though not justifiable. 'On the eve of the election of 1937 in the United Provinces a leading Muslim politician who had hitherto belonged to the Congress party deserted it, because he thought it

would be defeated, and went over to the Muslim League with his following. He was mistaken. Congress was victorious and formed the ministry. This man asked to be taken back to the fold and also to be rewarded with a cabinet post! Very naturally, but perhaps unwisely, the Congress refused,—as any British party in a like case would have done. The consequences were unfortunate and to the English mind, astounding. The Muslim League redoubled its attacks on the Congress, and on the strength of this and similar cases, accused it of being a totalitarian party which sought to monopolise power.” We need not here enter into the question whether the Congress was right or wrong in forming exclusively Congress ministries where it had the majority. What is of greater importance is the fact that it was willing to co-operate with the Muslim League on the basis of the economic and political programme it had drawn up. Pundit Jawahar Lal Nehru wrote to that effect to Mr. Jinnah and made efforts to come to some sort of an understanding with the League. The League, however, harped on the differences between its programme and that of the Congress without making them clear and rejected the hand of friendship offered by the Congress. The responsibility for the failure to form coalition ministries is thus not that of the Congress.

The results of the failure of the negotiations were tragic in the extreme. It widened the gulf between the two organizations and led to an intensification of Muslim separatism. The consequence was the demand for Pakistan which deserves some consideration on account of the tremendous issues involved. But before proceeding to its discussion it seems necessary to dwell a little on the role played by the British Government in the growth of the League politics.

The League and the Government.—The story of the progressive trend of Muslim League towards nationalism resulting in the change in its creed in 1913 and the *rapprochement* with the Congress has already been told. The outcome of the collaboration between the two organisations was the famous Congress-League scheme of Reforms which also contained an agreed solution of the problem of Muslim representation in the different legislatures in

the country. The British Government rejected the administrative and constitutional reforms suggested in it, inspite of the fact that they had the support of all the parties in the country, but accepted the solution of the communal problem and made it the basis of the Reforms introduced according to the Act of 1919. They, however, criticised the apportionment of seats between the Hindus and the Muslims in Bengal and suggested that the representation given to the latter was insufficient. They should have been given 44 seats instead of the 34 seats allotted to them under the Lucknow pact. This implied that the Muslims could always hope to get more liberal terms from the Government than from the Congress so far as representation in the legislatures etc. was concerned. This was to sabotage the Lucknow pact. In the light of the subsequent history of the communal question this offer of more seats to the Muslims acquires a special significance.

The Government reacted to the growing *rapprochement* between the Congress and the League on political matters by shelving the question of political reforms till a more suitable time and concentrating attention on the economic problems. They also tried to win over the Muslims to their side by giving the Punjabi Muslims and the Pathans a greatly increased share in the appointments in the army. It should be noted that the Punjabi Mussalmans have been consistently loyal to the Government. This tendency to placate the Muslims and give them a preferential treatment reached its high water mark during the Round Table Conference period. An examination of the Communal Award would convince an impartial judge that the policy of the Government is to checkmate nationalism by fostering communalism. They estimate the position of a community by its opposition to nationalism and its strategic importance to themselves.

Coming to the recent period during which the League has acquired unprecedented prestige and influence, it may be said that this phenomenon could not have taken place without the hidden hand of the British Government. The thundering success of the Congress in the general elections of 1937 must have filled the Government with alarm and set them devising means to check its growing power and meet the challenge it involved. Nothing can be

more natural for them than to try to use Mr Jinnah and his League as a counterpoise to the Congress. The way in which Sir Sikandar Hayat Khan surrendered to the League after having trounced it in the elections can be explained only on the hypothesis that the Government changed their attitude towards Mr Jinnah and wanted to make him into an ally. The attitude Mr Jinnah assumed towards the question of the release of Mahatma Gandhi and members of Congress Working Committee and the ending of the political deadlock in the country confirms this suspicion. The indecent manner in which Mr Fazlul Huq was huddled out of office and a new League ministry installed by the Governor of Bengal, the way in which the late Mr Allah Bux was dismissed from premiership by the Governor of Sind to make way for a Leaguer, and the manner in which League ministries were formed in Assam and the N W F province can be accounted for only on the hypothesis that a secret understanding exists between the Government and the League.*

It is worth noting in this connection that the British Conservative Party and their press have always supported the claims of the Muslim League. The Viceroy would consult none but the Muslim League, he has persistently refused to recognise all other Muslim parties with a nationalist out-look. Only Muslim Leaguers have been chosen for important appointments. The Muslim League has, in return, co-operated with the Government on all the crucial occasions.

Pakistan.— The idea of Pakistan seems to be simplicity itself—so long as it is not analysed and its details worked out. It is the proposal to divide India into cultural zones and then federate them into two distinct and separate units, one Hindu and the other Muslim. Some of the protagonists of the scheme envisage a transfer of population on a wide scale to make the zones homogeneous. Different schemes for the creation of cultural zones or regions have been suggested, they are so impracticable that it is a waste of time to examine them. It is sufficient to point out that any partitioning of the country involving a large scale transfer of population from one province to another is too fantastic to be examined with any care.

* See Humayun Kabir *op cit.*, postscript. A Congress ministry has again been formed in the N W F Province.

The question naturally arises why at all, should it be put forth as a solution of the Hindu-Muslim problem if the scheme of creating Hindu zones and Muslim zones is unrealisable in practice? It is difficult to give any satisfactory answer to this question. To the present writer it seems that the authors of the idea do not mean it to be taken very seriously, it has only a propagandist value. It is a counter in the game of political bargaining, a means of consolidating the position to such an extent that Mr Jinnah may be able to play the role of India's No. 1.

Not only is the scheme impracticable, its whole basis is also fantastic and unsound. Its root assumption is that the Hindus and the Muslims are two distinct and separate nations, and the consequence is the denial of the existence of a single Indian Nation. If the Hindus and the Muslims do not constitute one nation, it is certainly idle and useless to try to unite them under one common government. If they have so little in common that any united and common polity which would embrace them as its parts is out of the question, it is indeed better that the two should separate peacefully and with mutual consent. They must not continue as unwilling yoke-fellows pulling in different directions. If we once concede this basic assumption of Mr Jinnah, the theory of Pakistan would certainly appear to be rational and sound. But the whole difficulty lies in the fact that the very foundation of Mr Jinnah's argument is fictitious and imaginary. The structure of Pakistan has been actually built up on foundations of sand. If the Hindus and the Muslims are so sharply divided that they constitute two irreconcilable nations, it is pertinent to ask how it is that this keen student of politics should have discovered this fact only towards the close of his long public career? How does he reconcile it with his earlier public statements made during the days of his sturdy nationalism? If in the course of a few generations the descendants of Hindu converts to Islam can become a nation altogether distinct from the Hindus inspite of having lived and suffered in the same country and having been subject to the same cultural influences for *centuries* on end, then the whole science of Sociology must be re-written. There is no parallel in history to match this claim that the Indian Muslims

constitute a separate nation. Religion is one of the least important factors of nationality, it should not be allowed to influence and determine one's political views and alliances. Unfortunately, the Muslim League proceeds on the assumption that *all* Indian Muslims must have the same political creed and must come under one and the same banner. This is an impossible proposition. The more one examines the implications and assumptions of Pakistan, the more convinced one becomes that it is unsound in theory, impossible in practice, and mischievous in intention. Nevertheless, with a view to the solution of the communal problem Mahatma Gandhi offered terms to Mr Jinnah which practically conceded the substance of the Lahore resolution on which the idea of Pakistan is based. But Mr Jinnah interpreted the Lahore resolution in a novel manner and insisted on the acceptance of his two-nation theory. The attempt proved abortive. There is a very close parallel between the manner in which Hitler bolstered up the claims of the Sudetan Germans in Zecho-Slovakia and the way in which Mr Jinnah is trying to organise the Muslims against the Hindus. Mr Jinnah seems to have taken a page from *Mein Kampf* and become an apt disciple of the late German Fuehrer.

It may be of some interest to note the reactions of the British Government towards the propaganda in favour of Pakistan. They have not been unresponsive. Mr Edward Thompson writes in his book *Enlist India for Freedom*. 'I was astonished last autumn (i.e., August-September, 1939) to find that certain official circles were keen on the Pakistan idea'. The Cripps proposals concede in substance, though not in name, the principle of Pakistan. As early as 1932, Mr Coatman, a prominent official of the Government, threw out a hint that in the future a powerful Muslim state might come into existence in the North and North-West India. §

League's Claim to be the Sole Representative of Muslims in India — We would conclude this section on Muslim politics with an examination of the claim made by the Muslim League that it

* Quoted by Mehta and Patwardhan, *op cit*, page 205

§ It is not relevant to our purpose here to point out the numerous defects and difficulties inherent in the Pakistan Scheme. The reader may pursue the topic in Dr S. Ansari's volume on Pakistan.

alone should be recognised as the sole representative of Muslim opinion in India, a claim which has been encouraged by the Government of India, but not admitted by the Congress. Its non-acceptance by the Congress led to the break-down of the negotiations between it and the League.

The assertion appears untenable to us. There are many sections of Muslims outside the League who would deny the validity of this claim. In the first place, there are the Nationalist Muslims who seceded from the League several years ago and have not joined it since then. Their number is considerable and they include many notable Muslims like Maulana Abul Kalam Azad, Mr Asaf Ali, Mr Rafi Ahmad Kidwai, and Prof Humayun Kabir. In the second place, there are the Shias who form about 20 % of the Muslim population of India, and have held aloof from the League. In the third place, there is the big Momin community which has repeatedly declared itself to be opposed to the policy of the League and has generally underlined the Congress demands. Lastly, we must mention the Jamiat-ul-Ulema-Hind which represents the orthodox Sunni sect and has been consistently friendly to the Congress. Its leaders have participated in the various struggles for national freedom launched by the Congress. With so many groups of the Muslims ranged against it, it is indeed a tall claim for the League to make that it alone can speak with authority on behalf of the Indian Muslims. The results of the general elections held in the British Indian Provinces in 1937 do not support the League contention. The League could secure only 110 out of the 485 Muslim seats, i.e., less than 25 %. The Congress won a majority of seats in the North-West-Frontier Province which is predominantly Muslim. In Bengal the Krishak Proja Party outnumbered the Muslim League whose chief was trounced by its leader Mr Fazlul Huq, and in the Punjab the Unionist party was in a majority. In Sind, another Muslim Province, the Azad Muslims under the leadership of the late lamented Mr Allah Bux formed the ministry with Congress support. The progressive elements among the Muslims were thus opposed to the League which represented vested interests in some of the Provinces, e.g., in Bengal. It is true that the situation improved in favour of

the League after the elections. The Kishak and the Unionist parties made common cause with the Muslim League in Bengal and the Punjab respectively. The union was, however, short-lived.

Ever since the League began to bask in the sunshine of official favour, the propertied and landowning classes have rallied under its banner. The labouring classes do not seem to be behind it. It is significant that while the Congress oftentimes talks of Swaraj in terms of the relief it would bring to the toiling masses, the League has no economic programme for the masses. It seeks to rally the ignorant by an appeal to their religious sentiment. The attitude adopted by Mr Jinnah towards the political deadlock in the country has caused serious misgivings in the hearts of many Leaguers and some resignations from the League have followed. The tragedy of League politics is that it seeks to divide the Indian nation on a communal basis which should have no place in a healthy political life.

The Hindu Mahasabha and other Communal Organisations — Though the first communal body organised with the object of safeguarding the political interests of one particular religious community in the country, the Muslim League is not the only one of its kind. The Hindus set up a body on parallel lines for the protection of their rights at a later date. As has been described already in Chapter IV, the Hindu Mahasabha was originally established for the purpose of uniting all the Hindus on a common platform for the protection and promotion of their culture. It dealt with problems of a non-political and social character which affected all the Hindus alike. But it soon developed a political programme and sought to lead the Hindu thought on political questions as well. From 1932 it began to accuse the Indian National Congress of being out to surrender Hindu rights, and of being pro-Muslim in its sympathies. It decided to contest the elections to the Central Legislative Assembly on the basis of opposition to the Communal Award. As years rolled by, it forgot its cultural mission and became a communal political organisation of the Hindus as a counterblast to the Muslim League.

In political matters its judgment is as warped and one-sided as that of the Muslim League. Though anxious to preserve the indi-

visible unity of India as against Pakistan, it believes that the Hindus constitute one nation and seeks to protect and promote Hindu culture and civilization. It differs from the Congress on the issue of non-violence, and desires to instil the martial spirit in the Hindu mind. It seeks to revive the military glories of the ancient Hindus and has begun to think in terms of Hindu Raj. On the communal question it holds certain strong views. It definitely prefers joint electorates and condemns separate electorates as anti-national, but is willing to concede separate electorates without any weightage of any sort.

Like the Muslim League it talks of independence and self-government, but once again like the League, it takes no concrete steps to achieve the goal. Instead of resorting to direct action, the two communal organisations denounce the Congress, though for exactly opposite reasons, and seek to grow at its expense. Their leaders have been appropriately called 'Field-M Marshals of the Platform'. If the Congress has not yet been able to wrest power from British autocracy and make the nation self-governing and free, the reason is partly to be found in the opposition of the League and the Mahasabha to it. Communalism in politics is the greatest hindrance in the way of national freedom.

Minority communities like the Sikhs, the Depressed Classes, the Europeans, and the Anglo-Indians have also their respective political organizations. Each of them is anxious to get some share in political power under a reformed constitution. Their conflicting demands for weighted representation in the legislative bodies and the public services have given rise to the difficult Communal Problem about which something was said in a previous connection. Absence of agreement on this question between the various communities has been a serious obstacle in the evolution of a scheme of self-government for the country. At the present time also the British Government have made the solution of the communal tangle a condition precedent to the reconsideration of the constitutional question. As the Minorities Sub-committee of the Round Table Conference failed to solve this vital and all-important question, the British Prime Minister had to intervene and give his notorious Award which, as modified by the Poona Pact,

determines the present distribution of seats among the different communities in the country's legislatures

The Extension of Communal Representation.— The story of the creation of separate electorates for the Muslims under the Morley-Minto Reforms of 1909 has been told on a previous page. Although Lord Morley was strongly opposed to this principle, his hands were forced by the Government of India who wanted to accord special treatment to the Muslims, and therefore refused to consider any constitutional reforms until the principle of separate communal electorates for the Muslims was recognised and introduced in the constitution. Lord Morley could not ignore or brush aside this determined demand of the Government of India as the Cabinet had imposed upon him the condition that in all his proposals for reform he was to carry the Indian Government with him*. Since then, the principle has been extended to other communities and interests also—the Sikhs, the Indian Christians, the Europeans, the Anglo-Indians, Labour, Commerce and Industry, the landlords, and even to the Princes of the States. Though the Indian National Congress was opposed to this practice as being incompatible with either nationalism or democracy, it yielded to the Muslim League, and the principle was embodied in the Congress-League scheme of 1916. Each successive Reform Act widened the scope of the principle. The rules framed under the Government of India Act of 1919 granted separate communal electorates to the Moslems, the Sikhs, and European Commerce in the central legislature, and to the landlords in addition, in the provincial legislatures. Indian Christians, Anglo-Indians, labour and the depressed classes were not given this privilege, their representatives in the legislature were nominated by the Government. The Communal Award went further in the direction, it conceded separate electorates to the Indian Christians, Anglo-Indians, labour, commerce and industry, and even to women who were strongly opposed to this system. The Communal Award proposed separate electorates for the Depressed Classes also. But this provision had to be cancelled because of the agreement arrived at between the caste Hindus and the depressed classes as a result of the historic

* See *The Indian Annual Register*, 1932, Vol II, footnote page 229.

fast of Mahatma Gandhi in 1932 while he was a British detainee in the Yerwada Jail.

Demerits of Communal Representation.— The system of grouping voters on the basis of religion or race and giving to each such group the right to elect its own representatives is peculiar to India, it is not found anywhere else in the world, except in Ceylon and Kenya. In other countries constituencies are territorial, nowhere else are they religious or racial. Nationalist opinion in our country has never looked upon this system as desirable or sound, it has condemned it as anti-national, anti-democratic and opposed to the teachings of history. It is anti-national because it is destructive of national unity. It divides the nation into a number of religious or racial groups, each mistrustful of the other and anxious to promote its own fancied interests at the cost of the national welfare as a whole. The representatives returned by such groups are apt to think that the political interests of their constituents are different from those of others. They would never feel duty-bound to promote national interests. They ultimately come to see in the members of other communities rivals to be feared and distrusted, and not fellow-citizens whose co-operation is to be sought in the promotion of common ends. Communal electorates thus put a premium upon sectional and disintegrating tendencies and prevent the growth of a common citizenship*. The anti-national character of the system finds the best illustration in the Muslim League theory that the Hindus and the Moslems in India constitute two different and opposed nations having nothing in common. The demand for Pakistan is the natural issue of the poison of communal electorates introduced by the British Government into our body politic.

That the principle is anti-democratic does not require great elaboration. This truth has been admitted even by the British statesmen from Lord Morley and Mr. Montague to Sir John Simon, the chairman of the Statutory Commission that visited India in 1928. It destroys that spirit of common citizenship and pursuit of the common good without which real democracy is inconceivable. It is incompatible with democracy in another way also. The essence of democracy lies in the fact that those who constitute a political

* 'Division by creeds and classes means the creation of political camps organised against each other as partisans and not as citizens' *Montague-Chelmsford Report*

minority one day hope to become the majority and therefore to form the government another day. But under communal electorates a communal minority can never expect to become a majority, it is doomed for ever to remain a minority. Under this system the Muslims can never hope to wield political power either in the central government or in the provinces where they constitute a minority. The Hindus must for ever be excluded from the responsibility for carrying on the government in provinces like Bengal and the Punjab. It is the realization of this fact which has led Mr. Jinnah and his Muslim League to conclude that India is not fit for democracy. It is true that so long as the system of communal representation continues to vitiate our social and political life, real and genuine democracy cannot function in the country. The remedy lies in the abolition of the practice and not in the division of India into Hindustan and Pakistan.

Democratic institutions require political parties to run them. Political parties are best formed on economic and political grounds. But under the system of communal representation they come to be organised on a religious basis. Elections are run on religious grounds with the result that the spirit of religious bigotry and fanaticism is kept alive. Many persons are of the opinion that communal electorates have much to do with the accentuation of the Hindu-Muslim tension in our country. It is also alleged that this principle is inimical to administrative efficiency. Ministers who depend upon the votes of their co-religionists for remaining in office are bound to be influenced by communal considerations in making appointments and running the administrative machinery.

The foregoing exposition of the dangers inherent in the system of separate communal electorates shows that it is not the most effective and satisfactory method of protecting the interests of the minorities. It benefits neither the minorities nor the nation. Experience in our country abundantly demonstrates the truth of these assertions. Nevertheless, it is not abolished. It may not be wrong to study the reasons which lead some of the minorities to cling to and the British Government to retain it.

The reasons which have led the British Government to support and extend separate electorates have been stated already. The

system fits admirably into its policy of 'divide and rule'.^{*} It is with its help that it has sought to balance and counterpoise one community against the other with a view to the stability of its own rule. It is involved in the struggle between British imperialism and Indian nationalism. There is a similar reason why some constituent elements of the Indian society also adhere to this vicious system. It is a part of their struggle for the loaves and fishes of office. Ostensibly communal electorates are demanded for the protection of the rights of the minorities concerned. In their ultimate analysis these rights turn out to be nothing more than a 'guarantee of employment and services'. The communalist cares more for these loaves and fishes than for the introduction of self-governing institutions. He knows that it is only by taking shelter behind the alleged danger to the security of the rights of his minority community that he can advance his own interests. It is the job hunter and the ambitious person who wants to rise in social esteem without paying the price for it in the way of suffering and sacrifice, who talk most loudly of the rights and interests of the minorities. The job hunter craves for communal representation because under it appointments to offices are made not on merit but on religious grounds. The aspirant for leadership is enamoured of it because he can hope to rise high by merely abusing the rival community and without being required to contest the field with men of merit from other communities. As Dr B Krishna so well puts it, 'the history of communal representation in India is the history of the class struggle between the backward educated middle class intelligentsia and the politically dominant professional classes'.[†]

^{*} The letter written by a high government official to Lady Minto on the day the Governor General received the Muslim Deputation in 1906 throws a flood of light on the subject. It contained the following words:

"I must send Your Excellency a line to say that a very big thing has happened to-day, a work of statesmanship that will affect India and Indian history for many years. It is nothing less than the pulling back of 62 millions of people from joining the ranks of seditious opposition." Lady Minto herself noted in her diary that it was a very eventful epoch in Indian history.

[†] *The Problem of Minorities*, page 208

We may therefore conclude that the communal problem has no reference to religious issues. It refers to percentages and seats and government jobs. Furthermore, it is no concern of the masses, it is confined only to the sections of the classes belonging to different faiths. An examination of the demands of the various communal bodies shows that they have nothing to do with the problem of the masses which are alike for the Hindu, Muslim, Sikh and Christian masses. This conclusion finds support in the following words occurring in the election manifesto of the Congress :

'It is necessary to bear in mind that the whole communal problem, inspite of its importance, has nothing to do' with the major problems of India, poverty and widespread unemployment. It is not a religious problem, and it affects only a handful of people at the top. The peasantry, the workers, the traders and merchants, and the lower middle class of all communities are in no way touched by it, and their burdens remain'

If the communal problem is the result of the British policy arising out of Indian conditions, it would appear that it cannot be solved so long as British imperial interests dominate our politics. Short of winning our freedom, the only other method to solve it is to abandon the principle of communal representation. So long as the vicious principle is stuck to and British strategy remains, the communal problem will continue to sidetrack the struggle for independence.

The Communal Award — The circumstances under which it became necessary for the British Government to intervene and give their own decision upon the communal question concerning which the different communities could come to no agreement among themselves have already been described. The First Round Table Conference terminated without any agreement having been reached on the communal question. The attempts to settle it in India during the interval between the First and the Second Round Table Conference also proved abortive. The Minorities Committee which was attended by Mahatma Gandhi also admitted its failure to reach any agreed solution of the vexed problems which had been the subject of its deliberations. The Federal Structure Committee could not begin its work without a previous solution

of the communal problem as the Muslim delegates refused to take part in its deliberations, unless their demands were conceded. It, therefore, became incumbent upon the British Government to take action and announce their own scheme of representation. This scheme is contained in the Communal Award which was published simultaneously in London and Simla on the 16th of August, 1932.

The Award confined itself to the two basic questions of the method of election and the strength of the various communities in the legislatures. In view of the great harm that was being done by separate electorates, nationalist opinion in India was strongly in favour of joint electorates with reservation of seats for the minority communities together with the right to contest additional seats. But as the Muslim delegates were not prepared to give up separate electorates, the Award retained the principle of communal representation through separate electorates and extended its application to communities which formed part of the Non-Muslim constituencies according to the rules framed under the Act of 1919. The worst feature of the Award which led Mahatma to resort to his historic fast in the Yerwada jail was the creation of separate electorates for the Depressed Classes. They had to be given up at a later stage because of the agreement arrived at between the caste Hindus and the Depressed Classes embodied in the famous Poona Pact.

The Award fixed the number of seats for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, labour, commerce and industry, landholders, universities and women in the provincial legislatures and laid down special arrangements for election. Seats were also reserved for the Marathas in Bombay as well as for the representatives of backward areas. The number of seats allotted to each community or interest in the different provinces need not be specified here, reference to it would be made in another connection. Here some general observations would be made.

Though Mr Ramsay MacDonald claimed that the scheme of representation as contained in the Award was 'a fair and honest attempt to hold the balance between conflicting claims', it can be easily shown that certain communities have been most favourably treated and others penalised. The scheme is most generous to the

Europeans and Anglo-Indians and concedes to the Muslims most of their demands But it is most unfair to the Hindus

The gross injustice done to the Hindus of Bengal and the excessive partiality shown to the Europeans and Anglo-Indians in that province would be evident from the fact that the Hindus who constitute 44·8 % of the total population have been given 32 % of seats in the provincial Legislative Assembly where the Europeans who form less than one tenth of one per cent of the population i. e. 0·01 %, have been given 25 % of the seats (inclusive of European Commerce) The Anglo-Indians who constitute about one per thousand of the population get 1·6 % of the seats In other words, whereas the Hindus get less than what they would be entitled to on population basis, the Europeans get 25000 %, and the Anglo-Indians 3000 % weightage If this distribution of seats between the various communities is just and fair, one wonders what an unfair and unjust distribution would be. In the Punjab also the Hindus who are in a minority have been given less than what they would be entitled to on population basis The Sikhs who constitute about 13 % of the total population in the Punjab have been given 18·3 % of the seats But similar Muslim minorities in other Provinces have been given a greater representation, for example in the United Provinces where they form less than 15 % of the population the Muslims have been assigned 30 % of the seats Similar is the case in Bombay, C P, Madras, Bihar, and Assam It is thus clear that as contrasted with the Muslims, the Sikhs have been treated with small consideration An analysis of the seats allotted to the various communities by the Award would show that the position of a community is estimated according to its opposition to nationalism and its strategic importance to the rulers †

It is worth remembering that separate communal electorates were originally designed to afford protection to the *minorities*. What the Award has done is to give separate representation to the *majorities* in the Punjab, Sind, the N. W F P, and Bengal The minorities in these provinces never demanded separate elec-

* *The Communal Triangle*, page 74

‡ *Ibid*, page 75

torates for themselves, but these have been foisted upon them against their will. The Award throws overboard the Lucknow Pact between the Congress and the League but retains the weightage it granted to the Muslims—a procedure most unfair and unreasonable. Either the Lucknow Pact should have been adhered to in its entirety, or it should have been abrogated completely. There is no sense in rejecting one part of it and retaining another.

The British Government said that the Award was provisional in the sense that they were prepared to accept any better scheme to which *all* the parties concerned might give their full assent. Such agreement was to be reached before the Reform Bill became Law.

The general dissatisfaction aroused by the Award and the success with which the problem of the Depressed Classes was settled as a result of the Poona Pact led leaders like Maulana Abul Kalam Azad, Dr Syed Mahmud, Pt Madan Mohan Malaviya and Maulana Shaukat Ali to make fresh efforts to bring about an agreement between the various communities which would not only replace the Award but also lead to a permanent and honourable solution of the communal question. Maulana Shaukat Ali appealed to the Government to release Mahatma Gandhi to help them in this task or at least to allow the leaders to meet him in the jail and discuss the matter with him. The Government, however, turned down the Maulana's request, and the inter-communal negotiations were carried on without the help and guidance of Mahatma. A Unity Conference consisting of representatives of the Hindus, Sikhs, Muslims, and Christians was held at Allahabad early in November, 1932. It appointed a committee to consider proposals for bringing about an agreement between the various communities. Messrs Ramanand Chatterji, Abul Kalam Azad, Shaukat Ali, C Rajagopalachari and Pandit Malaviya were among its members. It met from November 3 to November 17, and arrived at certain tentative conclusions. These were placed before the various organizations by their representatives who took part in its proceedings and considered by them. The opinions of the different organizations on these proposals and the amendments recommended by them were considered by the Unity Conference at its third session which was held at Allahabad from December 23, 1932. The Conference reached complete agreement in respect of all important

matters The text of the agreement is very long and covers many items other than the number of seats allotted to the various communities in the central and provincial legislatures, and the method of election, *e g*, fundamental rights of the citizens, protection of religious and cultural rights and personal laws of the minorities, composition of the cabinets It represented an unprecedented measure of success in solving the communal problem by mutual agreement

Having achieved unanimity on almost all the controversial points the sub-committee of the Unity Conference was to proceed to Calcutta to tackle the problem of the representation of the European Community in the Bengal Legislature, who had been awarded 25 % seats though it formed only 01 % of the total population It could not possibly be allowed that excessive weightage At this crucial moment the British Government unexpectedly intervened, and the Secretary of State announced at the third session of the R T C that they had decided to give the Muslims $33\frac{1}{3}$ % of British Indian seats in the Central Legislative Assembly in place of the 32 % which the Muslims had voluntarily accepted in the Unity Conference They also announced their intention to separate Sind from Bombay and make it into a new Governor's Province with adequate financial aid from the Central Government Nothing was said about safeguards for the Hindu minority in the new province The Unity Conference had also agreed to constitute Sind into a separate province but without any aid or subvention from the Central Government and with adequate safeguards for the Hindus These announcements made the work of the Unity Conference useless Thanks to the adroit move on the part of the British Government, the labour of the Conference was wasted and the communal problem remained where the notorious Award left it

Chapter VII

EDUCATION IN INDIA

Introductory.— Education has been aptly described as the keystone of the arch of good civic life. Its quantity and quality determine the character of the life of a community to a large degree. He who moulds the educational system and theory also moulds the outlook of the people on life and then habits and attitudes. It is therefore necessary for the student of Indian civic life to have an idea of the type of education imparted to the citizen, and its aims and motives.

The system of education as it obtains in our country to-day is largely the result of the policies pursued by our British rulers from time to time. Except for the Gurukulas, the Shantiniketan school started by the late poet Ravindranath Tagore, a few institutions that came into existence during the Non-Cooperation movement, some Muslim Madrasas and a number of pathshalas run on traditional lines, the entire system is of foreign importation and has been largely determined by the needs of the rulers, though it has eventually grown into the needs of the ruled also. It is not national because it is not directed towards the achievement of national ends. It is not national because it is not indigenous. It has no link with the past and is unrelated to our environment and requirements. In order to understand its nature and appreciate its defects and short-comings it is therefore not necessary to delve into the past and describe the educational system as it was during the Hindu and the Muslim periods of our history. We shall state only this much that in the pre-British era the country was not illiterate. Educationally it was far more advanced than any European country at that time. The following extract from the writings of the late Mr. Keir Hardie illustrates this point. 'Max Muller, on the strength of official documents and a missionary report concerning education in Bengal prior to the British occupation, asserts that there were then 80,000 schools in Bengal, or one for every 400 of the population. Ludlow in his history of British India, says that "in every Hindoo village which has retained its old form I am assured that the children generally are able to read, write, and cipher, but where we have swept

away the village system as in Bengal there the village school has disappeared." ' * It is both interesting and significant to note that in pre-British India public education was not the concern of the state. Monies spent on it were not raised in the form of taxes. Many of the institutions of higher learning owed their existence and maintenance to the munificence of wealthy men and the piety of the rulers. The main support of the schools and the scholars came from the voluntary gifts and offerings of the people. With this brief remark about education in ancient and medieval India we may pass on to the story of its growth in the British period.

The Educational Aims of the British Government.— Since the spirit, nature and organisation of an educational system are determined by the aims it is intended to achieve, it becomes necessary for us to discover the aims and motives of the British rulers of India when they finally settled the lines on which the education of the Indian youth was to be given. Many of the present features of our educational system are the direct consequence of those motives. Had the latter been different, the former would not have been what they are. The educational system of Japan is quite different from ours and its results are also vastly different, because the Japanese Government are actuated by radically different motives.

Fortunately it is not difficult for us to find out the intentions and motives of those who shaped the system at a very crucial stage in its history. Though, as will be shown in the sequel, Warren Hastings had founded the Calcutta Madrasa in 1781 and the Charter of 1813 had laid it down that it shall be lawful for the government of the Company to set apart a sum of one lakh of rupees for the enlightenment of the natives of India, the real founder and architect of the educational policy in India was Lord Macaulay. It was mainly due to his powerful advocacy that the old policy of promoting oriental learning was finally abandoned and the new policy of introducing and encouraging western knowledge was adopted. Since his time it has been the confirmed policy of the Government of India to foster and promote western knowledge. Neglect of the philosophy, literature and religion of the

* Quoted by Major B. D. Basu, *Education in India under E. I. Company*,

natives of the soil and the effort to educate them through the medium of English, a foreign tongue, were the necessary consequences of this policy. Several of the defects and objectionable features of the current system of education can be traced to these implications of the policy initiated by Lord Macaulay.

Our present concern is not so much with the defects of the Indian educational system as with the motives which led Macaulay to anglicise it in 1835. These may best be stated in his own words. He wrote as follows to a friend in 1836: 'No Hindoo who has received an English education ever remains sincerely attached to his religion. It is my firm belief that if our plans of education are followed up, there will not be a single idolator among the respectable classes in Bengal thirty years hence. And this will be effected without any effort to proselytise, without the smallest interference in their religious liberty, merely by the natural operation of knowledge and reflection.' This might lead some persons to conclude that the aim of Macaulay was to wean Indians from their ancestral religions and convert them to Christianity. This might be so, but the ulterior motive was different. This was laid bare by his brother-in-law, Sir Charles Trevelyan, who, like him, was a powerful advocate of occidental or western knowledge. In his evidence given before the Select Committee of the House of Lords on the Government of Indian Territories in 1853, he said that because of their religious attitude the Hindus regard the Britishers as *mlecchas* or impure outcastes with whom no communion ought to be held, and the Muslims also call them *Kafirs* and regard them as infidel usurpers. Both are thus naturally disposed against the Britishers. A training in European learning was, according to Sir Trevelyan, best calculated to give a new turn to the native mind. The English educated youth was expected to cease striving after independence and to come to regard the Britishers as his friends and protectors. That something like this was present in the mind of Macaulay is evident from the fact that he expected his educational plan to produce a 'class of persons Indian in blood and colour but English in taste, opinion, words and intellect.' English education was thus introduced with the purpose of fostering ideas of loyalty to the British Government among the educated classes and through them among the masses, ultimately with a view to the

cultural conquest of the country.

There was another motive also. For the administration of the country the Government required English knowing Indians who could be employed on much lower salaries than what had to be paid to the civil servants brought from England. In the words of Macaulay himself what was needed was a class of English educated children of the soil 'who may be interpreters between us and the millions we govern'. It was with a view to procuring the services of qualified Hindus and Mussalmans to act as officials in the court of Judicature at Calcutta that Warren Hastings also had started the Madrasa for the Muslims at Calcutta and the Sanskrit College at Benares for the Hindus much earlier. The motives which determined the educational policy of the British rulers were thus *political* in nature. Education was not started with the altruistic purpose of bettering the lot of the people, disseminating knowledge among them, or in order to develop national industries, or foster the spirit of good citizenship or any sense of civic responsibility. At the start and for a long time to come the needs of the government were the determining factor. This fact impressed some features on the educational system whose effects continue to be felt till the present time. It is not irrelevant to refer to them at this stage.

Motives and Aims in Operation — One of the most disastrous results of governmental policy was that stress came to be laid upon the education of those classes from whose ranks recruits for government service were usually to be drawn. The education of the masses was neglected, since it was not necessary for the realisation of the aims of the government. It was after a long time that it recognised its duty towards the people and its responsibility for their elementary education. Even to-day primary education of the masses lags far behind higher education of the classes.

The second result was that a purely literal bias was given to the instruction imparted to the students. Technical education was completely ignored. Only those subjects were included in the curriculum which fitted the scholars for discharging their duties as intermediaries between the foreign rulers and the people of the country. Even at the present time technical and industrial education is receiving a step-motherly treatment.

In the third place, the whole system was directed to the end of studying prescribed text-books in prescribed subjects with a view to passing examinations and obtaining degrees. Education came to be identified with passing examinations. This, and not the acquisition of general knowledge and culture, became the be-all and end-all. The pursuit of culture was thus subordinated to success in examinations. Knowledge was pursued more as a means to material progress and worldly success than as providing the secret of a happy and virtuous life. This statement holds true at the present time as well.

Lastly, the system involved the State-control of education as a necessary corollary. From 1854, education in our country has thus signified a system of schools, colleges, universities, and examinations, ultimately under the control of the Government. Though the administration of the Education Department was always provincial, upto the introduction of the Montford Reforms in 1920 it was subject to the general control of the Government of India exercised through a number of codes and regulations. When education was made a transferred subject under the control of popular ministers in the provinces, the degree of central control was relaxed. The partial autonomy granted to the new universities that had come into existence was also a step in the same direction. These changes have not been followed by any radical alteration in the system. With the question whether government control over education is desirable or not, we are not concerned here. We have simply to note the fact and draw attention to the more important consequences it has entailed. In the first place, it has prevented education from developing along national lines. The authorities have taken good care to see that patriotic impulses are not fostered and encouraged. In the second place, it has tended towards a rigid insistence on observance of rules and regulations thereby destroying all sense of initiative and obstructing natural growth. Thirdly, it has meant a divorce between education and religious instruction. Under governmental rules and regulations there could be no room for religious warmth and significance. In a country like India where religion plays a vital role in the lives of the people this would make education unreal and unconvincing. In the next place, it may be pointed out that this policy of the government has been

largely responsible for the extremely slow growth of education. To-day the literate persons do not form more than 12 % of the total population of the country . 21 % among men and 3 % among women. Education of the masses does not fit in with the governmental policy. Being autocratic and irresponsible, the Government can easily ignore the popular demand for free and compulsory primary education. Paucity of funds always came in as an excuse for shelving all proposals for mass education in the past. In this connection it is not irrelevant to remind the reader that in ancient times when education was not a state concern literacy was universal in the country. But perhaps the greatest of all evils which have followed in the wake of state-control of education is the disappearance of our ancient conceptions of the aims of education and the relations between the teacher and the pupil. Education was essentially a preparation for the practical responsibilities of life during the *grihastha ashram* or the household stage. It did not also lose sight of the spiritual welfare of the individual during the last two stages. The *brahmchari* entered the household of the Guru at an early age and remained subject to his discipline till he was twenty or thereabout. During this period there was personal contact between the Guru and the pupil and the whole personality of the former came into play as an educational factor. In a very real sense the teacher was the spiritual father of his pupils, and was accorded a very high status. He took to teaching not as a means of earning his livelihood but as a mission and as a means of realising his self and discharging his *dharma*. He and his *ashram* or institution were supported by voluntary offerings or gifts from the well-to-do sections of the society and endowments from the princes. Those who supported him placed no conditions as to the manner in which he was to teach and instruct the pupils. It was the Guru and not the king who determined the conditions. All this is changed under the new dispensation. The old idea of education as a preparation for the responsibilities of life no longer holds the field, our educational institutions are nothing more than machines for turning out clerks for government service. The system offers no chance for the whole personality of the teacher coming out as an educational factor, the relations between the teacher and the taught are formal and external and not personal and vital. 'It

is terribly rare to see a real live man at work in an Indian school-room. What constitutes the real self must remain outside the school '*.

The freedom and initiative of the teacher to lay down the conditions under which he is to instruct the pupils have also completely disappeared. 'The master enmeshed in the network of our Indian system works with the code in hand. For him there is no 'unwritten law' or tradition. There are 'returns' to be submitted periodically, regulations to be followed, examinations in which a percentage of passes is to be obtained, and an inspector, more regular in his visitations than famine or the plague, who, in the course of a few minutes, must be convinced that no rule has been broken and that something practical had been done... It is hard to imagine a Thing, Arnold, or Sanderson thrown up by such a system. It will not produce a Sankar, Kabir, or Tagore in India '†

Swami Shriadhanand and the poet Ravindranath Tagore made attempts to resuscitate the old traditions and ideals through the institutions they founded, the Gurukul at Kangri (Hardwar) and the Shantiniketan University at Bolepur near Calcutta. In this connection mention may also be made of the recently started Vidya Bhawan at Udaipur.

We would conclude this account of the main features of our educational system with a reference to the effects which the educational aims of Macaulay had on the curriculum or choice of subjects. This architect of the educational policies and methods in the thirties of the last century held a very poor opinion about oriental knowledge and culture and was a firm believer in the value and usefulness of western lore. He therefore decided to exclude, root and branch, Indian classics, Indian philosophy, literature and religion from the list of subjects in which instruction was to be given to the Indian youth, and he concentrated only upon British literature, history and philosophy. This was a thoroughly mistaken idea. It proceeded on the wrong notion that the human mind is like a blank tablet.

* Mayhew *The Education of India*, page 73

† Mayhew *Ibid.*, page 73

on which the educator may seek to imprint any thing he likes in utter disregard of its nature or previous history. It would have been far better and more in accord with the educational requirements of the Indian people to have made a judicious combination of what was valuable in oriental and western learning. Indian classical literature and philosophy should not have been so unceremoniously ignored. Science, rather than literature and philosophy, should have been adopted from the West. In this way what was lacking in the oriental learning, namely, study of the methods by which science seeks to unravel the mysteries and control the forces of nature, would have been supplied and the deficiency made good. But what was taken from the West was not so much its science as its literature and philosophy. The consequences of such a choice of subjects were disastrous. It mercilessly severed the educated Indian from his roots in ancient traditions and had him transplanted in an alien soil where new roots were sought to be engrafted on him. It thus produced a type of Indian who knew more of the writers and thinkers of England and the Continent than about the great literary figures and philosophers of his own country. The result was an ever widening gulf between the educated class and the illiterate peasants and workers. Lately, however, the place of Indian literature and philosophy in our Universities has been recognised and some amends made.

Stages in Educational Development – The history of education under British rule can be divided into three periods. The first period which may be said to have begun with the establishment of the Calcutta Madrasah by Warren Hastings in 1781, lasted till 1835. It may be called the *orientalizing* period because during it the Government founded some institutions with the dual purpose of giving encouragement to oriental learning and securing a supply of Muslim and Hindu officials for the courts of justice established by the Company in Bengal. The Company's government did not acknowledge any direct responsibility for the education of the people until 1813 when a clause was included in the Charter granted to the Company afresh by Parliament, making it *lawful* (but not obligatory) for the Governor General to set apart the sum of one lakh of rupees every year to be spent on 'the

revival and improvement of literature and the encouragement of the learned natives of India', and the introduction of scientific knowledge of the West. The educational fund was, however, actually spent on the advancement of oriental studies alone for some years until Raja Ram Mohan Roy strongly protested against the practice to the Governor General in 1825. It should also be noted that the grant was utilised for the education of the classes. There was no idea of promoting the education of the masses at that time. Even with regard to the former the initiative came from Indians. It was Raja Ram Mohan Roy who realised the necessity and importance of Western education in raising his countrymen to a higher level. He was mainly responsible for the establishment of the Hindoo College at Calcutta in 1816. At Bombay also it was through private enterprise that the Elphinstone College came into existence. Private enterprise extended to some mofussil areas also. Christian Missionary Societies working in the country also gave a great impetus to the introduction of western education. The first Missionary College was opened in 1818 at Serampore. It is thus clear that the stimulus for western learning came from sources other than the government.

The second period began in 1835 with the acceptance of Macaulay's policy of promoting western knowledge through the English medium, and it continued till the publication of the famous educational dispatch of Sir Charles Wood in 1854. It may be called the *anglicising* period. The erstwhile policy of encouraging oriental knowledge was abandoned, and the advancement of western knowledge and sciences by means of English language became the avowed aim. The mother tongues of the people did not come anywhere in the picture. Macaulay dismissed them as not worth considering. As in the preceding, so during this period also, the education of the upper classes was the only objective, but with this difference that it was to be English and not oriental education. Education of the masses was still left to private agencies. All that the government did was to get a survey made of village schools in the three Presidencies. The proposal made by Rev William Adam who made a survey of selected areas in Bengal and Bihar that the village schools should be improved because they furnished the foundation for schemes

of general national education went unheeded. The starting of English schools gave the government enough work, and it had not money enough to spare for elementary education. Popular education was still considered to be beyond the scope of state activity

The third period which we may call the *anglo-vernacular* period began with the publication of the famous educational despatch of Sir Charles Wood in 1854 which marks an epoch in Indian educational history. While keeping the diffusion of western as opposed to eastern knowledge and learning as the objective, it effected a departure from the policy outlined by Macaulay in 1835 in several ways. In the first place, it definitely abandoned the older theory that the education imparted to the higher classes of society would filter down to the masses, and for the first time clearly recognised the responsibility of the government for the elementary education of the people. It thus laid great emphasis on primary education by which alone the ignorance of the people, an abiding curse, could be successfully combated. This led to a new development. English could not possibly be made the medium of primary education, for this purpose the language spoken and understood in the district or the province was the most suitable agency. The Despatch therefore laid stress on the study of the vernaculars which had to be combined with that of English. The students were required to learn two languages, their own vernacular and English. This is the reason why the system came to be known as anglo-vernacular. For combating ignorance the Despatch recommended the establishment of a Department of Public Instruction in every province. The recommendation was accepted by the Government, and Departments were created on lines not dissimilar to those on which they are organised at the present time. In yet another direction it broke fresh ground. From 1835 onwards the Government used to spend all the money at its disposal on the maintenance of a few Government schools and colleges. After 1854 it adopted the policy of giving grants-in-aid to private institutions and thereby stimulated private enterprise. The Despatch also outlined a scheme of university education. In pursuance of this proposal three universities came into existence at Calcutta, Bombay, and Madras three years later. The univer-

sities which were of the affiliating type became the pivot of the Indian educational system.

The three universities which were established in 1857 were not places of instruction or corporations of scholars, they were bodies of administrators whose function was merely to hold examinations and confer degrees on successful students coming from colleges affiliated to them. They also laid down courses of study but exercised no control over the methods of teaching adopted by the colleges situated within their jurisdiction. As the number of colleges grew it became necessary to establish two more universities of the same type, one at Lahore (1882) and the other at Allahabad (1887). All these five universities continued to be mere examining bodies till reform was introduced by the Universities Act of 1904. Permission was given to them to organise teaching work and to make suitable appointments for the purpose. This gave them a new function as teaching bodies which some of them were quick enough to adopt. They confined themselves, however, to post-graduate and research work, all preliminary instruction was the work of the constituent colleges over which they were given greater control and power of supervision. The Act also sought to tighten up the control of Government over the universities, and of the universities over the constituent colleges. But it involved no fundamental departure from the policies pursued since 1854. Before passing on to the consideration of recent developments reference may be made to the Hunter Commission (1882) which recommended the gradual withdrawal of the Government from the field of higher education and thus leaving the field for semi-official and private bodies.

Recent Developments.— The resolution on educational policy passed by the Government of India in 1913, however, introduced a new principle. With a view to restricting the area over which each of the affiliating universities existing at that time had control, it recommended the creation of a separate university for each of the major provinces. The new universities were generally to be of the teaching and residential type. Several new universities thus came into existence in quick succession. The Benares Hindu University and the University of Mysore were formed in 1916, the Patna University in 1917, the Osmania University at Hyderabad in 1918, the Aligarh Muslim University and the

University of Lucknow in 1920, the University of Dacca in 1921, the University of Delhi in 1922, the University of Nagpur in 1923, the Andhra University in 1926, the Agra University in 1927, the Annamalai University in 1929, and the Travancore University in 1937. By the close of 1940 there were thus 18 universities in India, 15 in British India and three in the Indian States. Seven of these, namely, Aligarh, Allahabad, Annamalai, Benares, Dacca, Delhi and Lucknow are unitary, six, namely, Calcutta, Bombay, Madras, Punjab, Nagpur, and Andhra are affiliating and teaching; those of Agra and Patna are purely affiliating. The Benares and the Aligarh Universities are communal and of an all-India character, and are liberally financed by the Central Government. The State Universities of Mysore and Travancore and the Osmania University at Hyderabad, Deccan, are teaching bodies. Mention may also be made of the unrecognised Indian Women's University of Poona, and also of the Indian Institute of Science, which though not exactly a university, does work of the same standard. The last in the list is the recently established Utkal University at Cuttack, for the province of Orissa. It has started functioning as an affiliating body. There are also proposals for separate universities for Sind and Maharashtra.

A unitary university should be distinguished from an affiliating one. It is not a mere examining body, but concerns itself with teaching work. It appoints its own teaching staff and gives instruction to all who come to its portals. It is usually localised at a single centre in which the whole of the teaching is conducted by its teachers. It is thus a seat of learning, a centre for the diffusion of higher knowledge and the promotion of research. Being localised at a single centre, it can have nothing to do with colleges situated outside that area. Most of the unitary universities which have come into existence since 1913, are residential, *i.e.*, they require their alumni to reside in hostels maintained and run by themselves. Except with the permission of the authorities, the students are not permitted to live in non-recognised lodging houses. The Lucknow and the Allahabad universities are residential, whereas the Delhi university is not so as yet.

It was the Sadler Commission (appointed to enquire into the conditions and prospects of the Calcutta University and make

constructive suggestions for reform) which recommended the establishment of a unitary and residential university at Dacca with a view to avoiding congestion and overcrowding in the Calcutta University. This recommendation of the Commission was applied over a wider area, and teaching universities were brought into existence in other provinces. Separation of the Secondary and Intermediate from the B. A. and M. A. education, and vesting its control and management in a separate Board of Secondary and Intermediate Education, was another important recommendation of the Sadler Commission. It was not given effect to by the Calcutta University, but was adopted by the Government of the United Provinces which set up a Board to control High School and Intermediate Education at Allahabad.

When the Government of India Act of 1919 came into force in 1921, education became a transferred provincial subject under the control of a Minister of Education responsible to the provincial legislature. In each province educational policy and administration were thus brought under popular control. Except for the creation of new universities referred to above, and the introduction of the principle of compulsion so far as primary education was concerned, there was no change in the educational policy. Under the new circumstances the control of the central government had to be relaxed. With the Indian National Congress forming the government in several provinces under the Act of 1935, a serious attempt was made in some provinces to overhaul the system of primary and secondary education and give it a rural bias in accordance with the recommendations of the Zakir Hussain Committee on Basic Education. But before any tangible results could be shown, the Congress went into wilderness and popular government came to an end in most provinces.

Although Departments of Public Instruction had come into being in all the major provinces in accordance with the recommendations of the Wood Despatch, the Government of India had no education department of its own. This deficiency was made good in 1910, when it established the Department and put it under the charge of a member of the Executive Council of the Governor General. In 1923 the Department of Education was enlarged and was designated as the Department of Education, Health and Lands

The Government of India have another educational officer called the Educational Commissioner. In 1920 a Central Advisory Board of Education was established under the chairmanship of the Educational Commissioner. It was abolished in 1923, but revived in 1935. Its main function is to serve as a clearing house for educational ideas and distribution centre for educational information.

Educational Progress.—To one who knows that in the year of grace 1940—41, the total number of students receiving instruction in all institutions in British India was 15,769,890 which gives a percentage of 6.08 for the total population, the talk about educational progress may seem to be a cruel joke. We are educationally one of the most backward nations in the world. Nevertheless, there has been an appreciable increase in the number of educational institutions and the students reading in them during the last two decades.

The following table for British India would give an idea of the progress made in the different stages of instruction between the years 1922 and 1942.

Year	Collegiate	Secondary	Primary	Total
1922	58,837	653,416	6,987,147	7,699,400
1927	83,890	868,271	9,247,617	10,204,778
1936	113,215	1,456,421	11,276,516	12,846,152
1942	159,264	2,784,785	12,497,134	15,441,183

It shows that the growth of primary education is much slower than that of university and secondary education. Between 1922 and 1927 the increase in collegiate education was more rapid than in the secondary, but yielded place to the latter in the following years.

The following table adapted from the Indian Year Book, 1944-45, enables us to compare the growth of education among boys and girls during the last nine years :

(Number of students in all institutions)

Year	Male students	Female students	Total
1933-34	10,417,839	2,755,051	13,172,890
1935-36	10,802,709	3,013,440	13,816,149
1937-38	10,819,592	3,012,268	13,831,860
1939-40	11,847,492	3,421,907	15,269,399
1941-42	12,266,311	3,726,876	15,993,187

In other words, during the nine years there was an increase of 1,848,472 in the number of male students, of 971,825 in the number of female students, and the total number of students receiving instruction in all types of educational institutions increased by 2,820,297. These might seem to be gratifying figures, but when we take into consideration the great increase in the population of the country and the proportion of the boys and girls of school-going age who receive instruction to those who do not, our enthusiasm is bound to cool down. During the five years from 1936 to 1941 the percentage of male students in recognised institutions to the male population of British India increased from 7.45 to 7.74, and that of female students increased from 2.28 to 2.51. The percentage of all male students in all types of institutions, recognised and unrecognised, increased from 7.86 to 8.01, that of the females, from 2.38 to 2.61, and that of scholars in general, both males and females, to the total population increased from 5.20 to 5.40. At this rate it will take us not decades but centuries to educate the whole country. It would be interesting to learn that in 1941-42 the total expenditure on education in British India from all sources was Rs 30,85,79,543 out of which the public contributed Rs 18,04,54,512. The corresponding figures for 1933-34 were Rs 26,17,65,186 and Rs 15,36,36,461. The Government contributes 43.2 %, the municipal and district boards contribute 15.5 % of the total expenditure. 27.5 % comes from fees and 13.8 % from endowments etc. A few comparisons would be revealing and instructive. Only 8 % of Indian revenue is spent on elementary education. Great Britain spends 86 crores for 40 millions. The U S A spends 347 crores for 130 millions. India devotes about only 18 crores to the education of a population of 400 millions. This is because army and administration consume more than 50 % of our total revenues.

The following table giving the number of various types of educational institutions and the number of scholars reading in them for the last three years would be found instructive

<i>Type of institution</i>	<i>Number of institutions</i>			<i>Number of Scholars</i>		
	<i>39-40</i>	<i>40-41</i>	<i>41-42</i>	<i>39-40</i>	<i>40-41</i>	<i>41-42</i>
<i>(British India)</i>						
Universities	15	15	15	11,729	12,622	12,532
Arts & Science Colleges	304	325	338	107,902	114,104	119,731
Professional Colleges	81	85	93	25,265	26,236	26,991
High Schools	3711	3861	4,035	1,255,915	1,326,127	1,333,948
Middle Schools	10,503	10,856	11,162	1,403,313	1,428,112	1,450,841
Primary Schools	189,751	187,164	181,968	11,445,372	11,797,849	12,018,726
Special Schools	11,087	11,627	12,303	454,798	474,273	478,408
Unrecognised Institutions	20,052	18,862	18,139	592,105	590,567	552,010
Grand Total	235,504	232,789	228,053	15,296,399	15,759,890	15,993,187

The Indian Educational System.— The different types of educational institutions found in our country can be classified under two heads, recognised and unrecognised. The various universities and the colleges affiliated to them, and the high, middle and primary schools which prepare students for the different examinations recognised by the Government are grouped under the first head, the Gurukuls, the Pathshalas and the schools attached to the mosques, Tagore's University of Shantiniketan at Bolepur, Professor Karve's University for women at Poona and other institutions of a similar nature can be put together under the second class. As will be evident from the table given above, the number of such unrecognised institutions is very large and they offer instruction to about six lakhs of our countrymen and women.

We shall now briefly describe the main types of recognised institutions and refer to a few of the important unrecognised institutions.

A Recognised Institutions.— Three main stages can be easily distinguished in the government-recognised educational system in our country. These are the primary, the secondary, and the university stages. Each has its own distinct organisation and separate problems. We shall say a few words about each of them.

Primary education — It has for long suffered from neglect on the part of the government and indifference on the part of the masses for whom it is primarily meant. The government neglected it, because it was at first interested in producing only a sufficient number of clerks for its offices. Diffusion of knowledge and enlightenment of the citizens were not among its motives and aims. The masses were indifferent, because the children could not be spared easily from work in the fields where they were more helpful to their parents. They also did not attach any great value to educational accomplishment of their sons. Then poverty also stood in their way. But from the time education was transferred to the control of popular ministers under the reformed constitution put into operation in 1921, the State tried to provide greater facilities than before, and the attitude of the masses also has undergone a change for the better since. The Congress-controlled governments in the provinces tried to give it a great impetus. But it still lags far behind secondary and

university education for which the classes have shown an almost insatiable desire.

Primary education is mainly the concern of the local bodies—municipalities in urban and district boards in rural areas. The construction, maintenance and management of schools and libraries is one of the most important functions they have to perform. In the United Provinces every municipality and district board has an education committee which looks after the primary education of the citizens within its jurisdiction. Officers of the Department of Public Instruction inspect the primary schools. The same department also lays down the syllabus and text books for use in them. Inadequacy of funds at their disposal and the apathy and poverty of the people have been responsible for the very slow progress made by them. As the table given above shows, there was actually a fall in the number of primary schools in 1940—41 as compared with the figures for 1939—40.

In order to break down the apathy of the masses resort was had to the principle of compulsion. During the last 15 years or so Primary Education Acts have been passed in several provinces authorising the local bodies to introduce, at their option, compulsory primary education within their areas. Bombay took the lead in this direction by passing the Primary Education Act in 1918. The provinces of Bihar and Orissa, the Punjab, Bengal, and the United Provinces passed similar Acts in 1919. The Central Provinces and Madras followed in 1920 and Assam in 1925. These Acts have been amended by subsequent Acts in several provinces. They have been drafted on similar lines. If a local body wants to introduce compulsory primary education in any part of the area under its control, it must pass a resolution to that effect in a special meeting called for the purpose by a two-thirds majority and submit its scheme to the government for approval. Ordinarily the age limits of compulsion are six and eleven years, though the period may be prolonged in special cases. Compulsion may apply to both boys and girls or only to boys. It may be extended to all communities or exemption may be granted to particular classes and communities. Employment of children of school going age is prohibited where compulsion is in force. A small fine is imposed

for failure to send children to school. It should also be remembered that in a poor country like India compulsory education must also be made free. The Acts passed by the provincial legislatures generally contain a clause to that effect, subject to the sanction of the government which is expected to meet a part of the money required. Schools run by private agencies are sometimes exempted from the operation of this clause.

The acceptance of the principle of compulsion and the passing of necessary legislation have not, however, brought about any great change in the situation. The rate of progress still continues to be slow. Mass illiteracy is still a fact. The number of areas, urban and rural, where compulsion has been introduced is very small. The Punjab is the most advanced province in this respect. In 1940-41 compulsory education was in force in 66 urban and 2,908 rural areas comprising 10,522 villages. The United Provinces came next with 36 urban and 357 rural areas. Madras ranked third with 34 urban and 9 rural areas. Central Provinces and Berar had 33 and 8, Bihar 16 and 1, areas. These figures show that the local bodies have not shown much enthusiasm and eagerness to avail themselves of the opportunities afforded by the passing of the Primary Education Acts. On account of their indifference compulsion has not produced the desired and expected results. Lack of funds and the apathy of the people are also responsible for the disappointing results.

There was a move in some of the provinces to take over control of primary education from the local bodies and vest it in the local government. The Government of Madras amended the Primary Education Act during 1935-36, with a view to enabling them to exercise greater control over primary education. The Government of Bombay also passed similar legislation. The Primary and Secondary Education Reorganisation Committee appointed by the Government of the United Provinces in 1938 recommended that control of primary and secondary education should be vested in a central authority and not placed in the hands of local bodies.

Before passing on to a consideration of the defects of primary education, a few words may be added here about vernacular education. It will be recalled that Macaulay was dead against the study of vernaculars, and that it was Wood's Despatch which laid stress

on the necessity of their use as the medium of instruction at the primary stage. Since then the study of vernaculars has not been neglected. At the present time local bodies maintain and run a number of vernacular schools where elementary education is imparted to the students. English is not taught in these schools. They prepare their scholars for the Vernacular Final Examination run by the Education Department of the provincial government.

Defects of the System. — The system of primary and vernacular education as it is in vogue in the country, suffers from many grave defects. Its most serious drawback is that being unrelated to the actual conditions of life prevailing in the villages, it makes no appeal to the masses. The courses prescribed are very unsatisfactory; no attempt is made to relate them to agriculture which is the main occupation of the people or to the handicrafts as found in the villages. They give a literary education in the three R's and encourage only mechanical cramming. Mahatma Gandhi's scheme of education through crafts known as the Wardha Scheme to which reference will be made at a later stage, is designed to rectify this serious evil. This also explains partly why compulsory education has not made satisfactory progress. In the second place, the system is characterised by enormous wastage. The figures of the number of scholars attending the primary schools do not convey a true knowledge of the actual state of affairs, they are better than the facts. Not all the students who enter primary schools stay to complete the course. It has been computed that as many as 85 % leave the schools without finishing the primary stage with the result that they soon relapse into illiteracy. The Hartog Committee appointed to advise the Simon Commission on the educational aspects of their enquiry reported in 1929 that the waste in village schools was appalling. There was no proportion between the time, energy and money spent on the schooling of village children and the results obtained. The majority of the children did not stay long enough at school permanently to become literate.

The following figures of classwise enrolment in the primary schools of Bengal show the amount of wastage involved in primary education.—

Infant class	Class I	Class II	Class III	Class IV
21	6.5	4.5	2.0	1.5

SHRI K. G. SAIYADAM brings out the true significance of these figures in the following vigorous words :—

▲ ‘This means that only 7 per cent of the children got to class IV, while the rest fell by the wayside, and that the educational machinery is like a 100 horse-power engine working with 7 per cent efficiency. This makes educational expenditure unprofitable, educational effort ineffective and schools inefficient.’*

Lastly, the teachers are paid very low salaries. Really capable and efficient persons are not attracted to the vocation with the result that the teaching staff in the primary schools is generally inefficient. So long as steps are not taken to improve the quality of teachers, the results are bound to remain disappointing.

The main difficulty of the problem of primary education arises from its magnitude. It is no easy task to provide facilities for primary education for a country of 400 million people. We have not yet been able to touch even a fringe of the problem, only 14 per cent of the boys and girls of the school going age are under instruction. The cost of making it compulsory and universal is another serious consideration. On a conservative estimate the expenditure involved in making primary education nation-wide would come to about 300 million, or thirty crores of rupees annually, whereas at the present time the nation does not spend more than 9 crores on it from all sources. Wherefrom is the extra money to come? Mahatma's scheme is the only practical scheme in so far as it makes education mainly self-supporting. It seeks to reconstruct education on a wholly new basis. It is discussed elsewhere in this chapter.

Secondary Stage— After the primary comes the secondary stage. In practice it is not uniform in all the provinces. The main point of difference is with regard to the position of the intermediate classes. In provinces like the U. P., where effect was given to the recommendations of the Sadler Commission, Intermediate education was separated from the University and amalgamated with High School education to form

* Oxford Pamphlet No. 15, *The Educational System*, page 11

a new unit called High School and Intermediate Education. In such provinces secondary education falls into two parts, the middle school stage and the high school and intermediate stage. In other provinces it comprises only the middle and the high school education; the intermediate education is a part of the university education. In Delhi province a new plan has been very recently adopted. The Intermediate stage which covered two years has been split up. One year has been added to the Degree course and the other to the High School course. The B. A. course would thus be a three year course and the same would be the case with the High School course. Its designation has been changed to the Higher Secondary Course. In some provinces the High School examination is called the Matriculation and in others the School Leaving Certificate Examination. It is conducted by the Universities in Bengal, the Punjab and some other provinces, and by the Board of High School and Intermediate Education in the United Provinces.

The institutions engaged in imparting secondary education to the citizens are of two kinds. Some are entirely maintained by the Government. Generally there is a Government High School at the headquarters of every district and a number of Intermediate Colleges at important stations to serve as models for other schools and colleges. The expenses of these institutions are entirely borne by the Government. To the other class belong the vast majority of High Schools and Intermediate Colleges run by private bodies. The Government gives grants-in-aid to these institutions and exercises some control over them through its inspecting staff, and by laying down conditions of recognition and affiliation, and codes etc. As has been already stated, in our province there is the Board of High School and Intermediate Education. Besides English which is compulsory, Mathematics, Science, Classical Languages, History and Geography, Drawing and other subjects are taught. The total number of students receiving secondary instruction is about $1\frac{1}{2}$ million boys and 150,000 girls.

The chief defect of the system of secondary education in our country is that it is throughout dominated by the needs of the universities. The courses of study and the standards of examination are determined with the idea of enabling the scholars to enter

the university and pass its examinations. Our High Schools and Intermediate Colleges are thus the feeders of the universities. They do little to test and develop the vocational aptitudes of the students who flock to them, and the instruction they impart bears no relation to our environment and social requirements. An effort should be made to teach the students some handicrafts which might enable them to earn a livelihood and give them respect and regard for manual work. As it is, students coming from the High Schools and Intermediate Colleges develop a great distaste for manual work which renders them unfit for anything but clerical task.

University Education — At the apex of the Indian educational system stand the universities, now 19 in number, 16 situated in British India and three in the Indian States. They had 79 constituent colleges and 343 affiliated colleges with a little less than 17 lakhs of students on rolls in 1941—42. In the matter of university education our country is one of the most backward countries, in spite of the fact that here one student out of every 4 goes to the University as compared to one in seven in the West. India has one university student for 2206 of the population, Great Britain one for 837, pre-war Germany one for 690, Russia one for 300, and the U S A one for 225 persons.

As has been stated above, all the universities are not of the same type. Some, like the Agra University, are purely examining bodies, they themselves do not offer instruction but test the value of education imparted in colleges affiliated to them. Others are affiliating and teaching, they prescribe courses of studies for the colleges affiliated to them, conduct examinations and confer degrees, and also organise post-graduate and research work. Only a few are unitary and teaching bodies. All of them are, however, autonomous bodies, free to determine their courses of studies, academic bodies and standards, within the framework of the statutes by which they have been respectively created. The Government gives them grants-in-aid, but does not seek to control their internal administration. It, however, nominates some members to their highest or governing bodies, in some places called the Senate and elsewhere the Court. The Governor of the Province wherein the University is situated is its Chancellor, except in the case of the Benares and the Aligarh Universities which elect their own Chancellors. The Governor of

the United Provinces is the Visitor of these two universities.

The Indian Universities offer instruction in a variety of subjects comprised under the Faculties of Arts, Science, Commerce, Agriculture, Education, Engineering, Medicine, Law, Oriental Learning, Technology, Theology, and Forestry. Calcutta University awards degrees in nine faculties, Benares Hindu University in 9, Bombay in 8, though they are not identically the same. The Agra University had only five faculties till 1940-41. Arts, Science, Law, Commerce and Agriculture, to which Medicine and Education have been recently added.

Though it cannot be said that all the universities have been brought into existence with the purpose of supplying English knowing Indians who would help the British Government in carrying on the work of administering this big country—they are as a matter of fact turning out far more graduates than can possibly be absorbed in government offices and have thus led to unemployment of the educated middle classes which has assumed alarming proportions—it has to be admitted that education is still desired chiefly as a means to material progress. Young men belonging to the middle classes join the universities to equip themselves in the struggle for existence. University education is still regarded as opening up prospects of well-paid employment, and is looked upon as a sign of respectability. The object of learning is earning. The number of those who seek it for its cultural value is extremely small. Knowledge is not valued for its own sake, or as necessary for agriculture and labour, the occupations of a great majority of Indians.

Another feature of the university education in India deserves notice. Here, instead of going in for a specialised course of training or joining some occupation straight away after finishing the High School education, a young man enters the University in order to qualify himself for a career. The consequence is that quite a large number of students get admission into universities whose mental equipment is not upto the mark. The reason why Intermediate education was separated from the University and made a part of secondary education was to induce the students to seek careers for themselves at the end of the secondary stage. This

is also the motive of the change introduced in the Delhi province, and likely to be extended to other provinces, according to which the Intermediate classes have been abolished and the High School stage lengthened by the addition of one year. As it is, at the present time, recruits for the higher grades of government service, and the learned professions like law, medicine, engineering, are drawn from the ranks of university graduates. It may also be added that being expensive, university education is beyond the reach of many brilliant young men because of their poverty. Examinations loom large in our system at every stage.

It should also be remembered that like the secondary education, university education also is not adjusted to the economic and practical needs of the country. It is greatly literary and not sufficiently vocational. This is one of the reasons for the existence of a large number of the unemployed among university graduates. It has been estimated that out of every 100 graduates 20 are unemployed and only 30 secure employment of a type commensurate with their abilities and the time and money spent on their education. It would be good if the Universities could pay more attention to vocational and technical education.

Inter-University Board.— Every one of the 19 universities in our country carries on its work independent of the other. Prior to 1925 there was no agency to co-ordinate their activities. The Inter-University Board was brought into existence in that year for this purpose. The following are its functions:

- (i) To act as an inter-university organisation and a bureau of information,
- (ii) To facilitate the exchange of professors,
- (iii) To serve as the channel of communication between the universities and facilitate co-ordination of their work
- (iv) To appoint or recommend the appointment of a common representative or representatives of Indian Universities at imperial or international conferences on higher education
- (v) To act as an appointment bureau for Indian Universities

It holds its annual meetings at different university centres where important questions concerning university education and other matters are discussed. For example, at the last session held at

Hyderabad under the chairmanship of Sir S. Radhakrishnan, the scheme of post-war Educational Development, known as the Sargent Scheme, came up for discussion. It made its own recommendations to the Government about the Scheme. It recommended the principle of compulsory education for all boys and girls for a period of eight years from the age of five, and also approved of a minimum three years' degree course.

Defects of the System.—Most of the defects of the Indian educational system have been incidentally described in discussing the ways in which it has been made to operate and the various stages into which it has been divided. The subject is, however, so important that it should be treated separately even though it would involve a little repetition. The Wardha Scheme of education cannot be appreciated until the defects of the system it wants to remove are fully known.

One of its gravest defects is that it has developed out of relation to the nature and requirements of the people. In the determination of the subjects to be taught and the machinery through which they were to be taught, Macaulay, who initiated the system, paid no attention to the Indian mind and the forms of civilization it gave rise to. His decision to exclude Indian literature and philosophy from the curriculum and mould and form the Indian mind only through English and what it stands for, has been productive of immense harm. As has been pointed out above, it has tended to make education unreal and unconvincing to the Indian mind. It is unrelated to Indian conditions in the further sense that it makes no attempt to help the people to solve the hard and practical problems of life. The son of an agriculturist may take his B A or M A degree without knowing anything about Indian agriculture, Indian plants, Indian fauna and flora and Indian seasons. The graduate of an Indian university knows more about Shakespeare and Milton and Mill, and Spencer, than about Kalidas and Tulsidas, or about Ramanuja and Shankra.

In yet another way the system is out of touch with the real pulse of national life. It has ignored the villages where real India is to be found, and concentrated attention upon the cities which are devastating and exploiting the former. What India needs is rural reconstruction through rural education.

Its second grave fault is that it has produced a great hiatus between the small educated minority and the large unlettered mass of villagers. The highly educated youth in his suit and hat, and disdainful of manual work, finds himself ill at ease in the village environment. The dream of Macaulay that his plans would produce a class of persons Indian in blood and colour but English in tastes and manners and opinions and morals, has been to a large extent realised.

Its third serious defect lies in its being excessively literary and insufficiently vocational. It is not practical enough. The curriculum is so narrow that beyond qualifying a person for public services and a few learned professions like law and medicine, it does not do anything to fit him for earning his livelihood by means of some honest trade or profession. Since the learned professions are overcrowded, and the number of jobs, incommensurate with the number of graduates annually turned out of the universities, the problem of the educated unemployed has assumed grave proportions.

The fourth defect of the system lies in the fact that in it the requirements of university education dominate. The primary schools prepare the scholars for the secondary stage which in its own turn is a preparation for the university. It is not a well-balanced system in which the various stages are given consideration in proportion to their intrinsic importance. In other words, it is still influenced by the clamour of the middle classes for an education which would give them a show of respectability and prospect of well-paid employment. The claims of the elementary education of the masses have not been properly considered. The result is that in spite of about two centuries of British rule about 88 per cent of the population still remains illiterate.

In the fifth place, the system greatly suffers from the fact that English is the medium of education in the Intermediate and University classes. The books are in English, the lectures are delivered in English and the students are required to answer the questions in English. The effort involved in acquiring an adequate knowledge of this language puts a great strain on the student, and the knowledge obtained through it is often imperfectly digested. That instruction through a foreign medium is a great handicap is evident.

from the fact that the contribution to human knowledge in science, literature and philosophy made by modern India is very much smaller than that of much smaller nations. Undue emphasis on the importance of the English language has led to the neglect of the vernaculars which in its turn has adversely affected the extension of primary education. The fact that English is a world language, the study of which enables India to keep abreast with the West, and that it throws open knowledge of science, medicine, etc., which is not available to those who confine themselves to Indian vernaculars, does not minimise the evil effects of the step taken by Macaulay more than a century ago.

In the next place it may be said that the system involves much waste and that examinations occupy such a dominant position in it that all other considerations are subordinated to the thought of passing them.

Lastly, there are persons, and their number is not small, who criticise the system on the ground of its being purely secular. 'It is criticised as being alien to the Indian temperament, which is essentially religious, and as offending against the cherished conviction that religious and moral instruction is a necessary part of education. To it are ascribed a decline or disappearance of respect of youth for age, a denial of the natural authority of the parents over their children, a wide-spread disregard of religious and social sanctions, and a growth of moral laxity'.† The facts stated in the passage quoted above are true. The education imparted in most of the schools and colleges is secular; there is no direct religious and moral teaching except in the Christian missionary and a few communal or sectarian institutions. English education has certainly acted as the solvent of old beliefs and traditions. Many old practices and convictions have been fretted by the corrosive influence of new ideas. There may be persons in our country who are not dismayed by the decline in the hold of traditional beliefs. But, desirable or otherwise, the whole responsibility for the change must not be placed on the education given

* See above pages 274—5.

† O'Malley *op. cit.* page 665

in our schools and colleges. Other influences operating independently have been at work. A questioning and critical spirit is abroad. Old values are being changed and traditional beliefs are being discarded in favour of new notions. The citadel of orthodoxy is everywhere being attacked and it is crumbling. Contact with western ideas which the new education has facilitated has very much quickened the pace of change. We need not shed tears over it.

Had the authorities decided to combine the study of western sciences with that of classical literature and theology, our education would not have become so secular as we find it to be. It would have retained in an indirect form as much of religious instruction as was possible. On account of the great variety of religious faiths professed by the people, imparting instruction in religion in a direct manner is not always feasible. The attitude of religious neutrality adopted by the Government long ago also makes it difficult. It may also be pointed out that religious instruction given in denominational institutions has not yielded any great or tangible results. The real place where the boy or the girl should be given religious education is the home and not the school or the college. The charge of being secular is therefore not a very strong one.

Mahatma Gandhi is one of the severest critics of the system, specially of the primary education which he regards to be not only wasteful but also positively harmful. On account of the unique position he holds in our national life, it is but proper to refer to his denunciation of it. It is best to give it in his own words. In the *Harjan* of 2—10—1937, he wrote as follows:

‘The present system of education does not meet the requirements of the country in any shape or form. English, having been made the medium of instruction in all the higher branches of learning, has created a permanent bar between the highly educated few and the uneducated many. It has prevented knowledge from percolating to the masses. The excessive importance given to English has cast upon the educated class a burden which has maimed them mentally for life and made them strangers in their own land. Absence of vocational training has made the educated class almost unfit for productive work and harmed them physically.

shown that the people generally have been touched to no active affection for their rulers and that attachment to their government is due mainly to a certain sense of self-interest. There has been a union of interests but no real union of hearts. Other hopes have proved illusory or have been realized only in part. There has been an intellectual regeneration, literature has assumed many different forms and gained a new and fuller content. The control of public opinion has been transferred to another class. Those who have the advantage of English education have by virtue of their enlightenment, prosperity, and authority, become a directing class. There have been movements of social reform, but the social system has been little changed, a breach has scarcely been made in caste and untouchability. There have been movements of religious reform, but within, and not against Hinduism, for its purification and not its destruction. Among the masses the Brahmin still reigns supreme in matters of religious observance, which in India are closely connected with social life.*

Special Problems — The problems which the Indian educationist is called upon to solve are numerous and complex. The future progress of the country is bound up with a right and timely solution of them. It is not possible to tackle all of them here, all we can do is to refer to some of the more important of them.

(a) *Women's Education* — One of the foremost of them is Women's Education, it is the key to open the door to the country's progress, socially, economically, and politically. Try as the social reformer may, the social evils like the rigid observation of caste distinctions, untouchability, early marriage, enforced widowhood, purdah and other evils which bar our progress, cannot be eradicated so long as our womenfolk remain uneducated. The standard of national health and hygiene also cannot improve if our women do not become educated. Ignorance of women is partly responsible for the high infant mortality as well. Their conservatism in matters of religion is responsible for much economic waste. Politically, also they have not been able to play their proper role on account of their educational backwardness. And if the mothers remain illiterate, they cannot properly look after the upbringing and training of their children. We cannot thus hope for any effective

advance of the country until our women are educated

In spite of the tremendous importance of the education of women, Lord William Bentinck, Macaulay and others who determined the educational policy and methods at the start paid no attention to it. No funds were allotted for diffusing the light of knowledge among Indian women. The initiative in the matter was taken by Christian Missionaries. Until the Brahmo Samaj, the Arya Samaj, the Ramakrishna Mission, the Theosophical Society and other organisations came into the field, the missionary bodies were the only agencies engaged in the work of educating the women of our country. Even at the present time only 28.4 % of the total female population is literate. The total number of female students in recognised and unrecognised institutions in 1941-42 was 3,726,876. It marked an increase of nearly one lakh on the numbers for the year 1933-34. But the following figures cited by Miss Cousins in her *'Indian Womenhood Today'* tell their own tale about women's education. 'Only one out of every hundred girls gets primary education, only one out of every 1000 girls gets secondary education. In twenty years the percentage of literacy of Indian women has not risen from 2 to 3 %'. Six times as many boys receive education as girls, fourteen times as much money being spent on the boys as on the girls. Only about 4 million women are literate in our country.

It is in the cities that the education of women has made most progress. In the rural areas even girls' schools, to say nothing of colleges for them, are few and far between. There are several reasons for the very slow progress of education among village women. They have not yet realised its necessity and importance, they are more conservative and orthodox than women in cities because they have been less influenced by modern movements and ideas. The agencies engaged in the noble task of imparting instruction to women find it much easier to carry on their work in the cities than in the villages. Women teachers for girls' schools in villages are harder to find. The scheme of the uplift of village women as sponsored by the Kasturba Memorial Trust is calculated to bring about a great revolution in this sphere.

As in the case of boys, so in that of girls primary education

lags behind secondary and university education. Higher education has made much greater progress than elementary education. In 1940—41 there were 45 Arts and 8 Professional Colleges and 497 High and 1,257 Middle Schools beside a large number of primary schools for girls in which 3,422,120 scholars were receiving instruction. Their number rose to 47, 11, 539, and 1291 respectively in 1941—42 and the number of scholars went up to 3,588,348. Medicine and teaching attract a much larger number of women students than other professions, though Law and Engineering also have begun to draw them. In 1941—42 there were 778 women students in Medical and 849 in Training colleges as against 123 in Law and one in Engineering colleges.

The Shreemati Nathibai Damodar Thackersay Indian Women's University founded by Professor Kaive in 1916 at Poona, now located at Bombay, is one of the most important and well-known educational institutions for the advancement of women's education. It differs from other institutions in its insistence on the fact that women's education must be different from that of men in so far as they have to perform a different function in life. It employs the scholar's mother-tongue as the medium of instruction. At present it has four colleges affiliated to it and two collegiate classes attended by 269 students. The Lady Irwin College for Women at Delhi also seeks to remodel girls' education on lines better suited to the requirements of Indian life. It came into being as a result of the efforts of the committee set up by the All-India Women's Educational Conference in 1930. The Kanya Mahavidyalaya at Jullundur and the Kanya Gurukul at Baroda are the other two famous centres of women's education.

In all the provinces in British India the education of girls is under the administrative control of the Director of Public Instruction. In some provinces he is assisted by a Deputy Directress or Chief Inspectress of Girls' Education. To meet the demand for lady teachers, the difficulty of obtaining whom is a great obstacle in the educational progress of women, the Government has made provision for the training of women teachers in vernacular and English schools. It may be mentioned in passing that the percentage of educated women is very high among Parsis and Christians and low among Muslims.

It should be borne in mind that the girls receive education not only in institutions exclusively meant for them, they also attend the boys' colleges. This practice is called co-education. The extent to which co-education prevails varies from province to province, most in Madras, and perhaps, least in Bihar. The system has not become very popular. Orthodox people still object to it. It is, however, fast spreading.

(b) **Mass Education** — That elementary education of the masses has not received the attention it deserves and lags far behind the higher education of the classes has been made amply clear in an earlier section. The masses were definitely excluded from the benefits of education until effect was given to the Educational Despatch of Sir Charles Wood. Even when the responsibility of the State for mass education was definitely recognised, several circumstances combined to render its diffusion slow. As has been pointed out already, even the acceptance of the principle of compulsory education has not produced satisfactory results. The problem of liquidating mass ignorance and illiteracy remains difficult of solution. The magnitude of the task, the enormous cost of financing any scheme of free and compulsory primary education, and the apathy and poverty of the people stand as serious obstacles in the way of achieving the ideal. Nevertheless, if the country is to advance socially, economically and politically, the masses must be educated, and illiteracy banished. This question is as important and as urgent as that of women's education. Like that, it would not brook delay. But strangely enough, the leaders of national opinion and the educationists of the country did not make any effort to evolve any comprehensive plan of education which would be free from the defects from which the present system suffers and which could take its place till recently. Mahatma Gandhi turned his attention to the problem, invited a number of educationists from all the country over to meet at Wardha under the chairmanship of Dr Zakir Hussain, and the result was the well-known Wardha Scheme of Education, also known as the Basic education scheme. It is the most significant and radical attempt so far made to overhaul and reconstruct primary education from the national point of view.

The Wardha Scheme of Education.— The most significant point about the scheme without which its true worth cannot be appreciated is that it takes note of the fact that real India is to be found in villages and not in cities, and therefore it seeks to solve the problem of illiteracy in villages where the percentage of literacy is much lower than in cities. One of its objects is to check the progressive decay of villages, prevent the rush of rural folk to large urban centres, and establish a healthier and juster relationship between the village and the city. In other words, it is primarily a scheme of rural education and reconstruction. This does not mean that it is not meant to be applied also to urban areas, or that it is inapplicable there. All that is meant is that it has been conceived with the basic interests and occupations of the country people in view.

The central and most salient feature of the scheme is the proposal to educate the child *through* some craft or productive work chosen with due regard to the occupations of the locality. It may be spinning or weaving, gardening or agriculture, carpentry or smithy, oil-pressing or gur-making or any one of the numerous other crafts. The chosen craft is made the centre round which the entire education of the child is made to hang or revolve. This does not mean that the teaching of the craft is *added* to the subjects already taught in our primary schools. Even to say that the teaching of those subjects should be *correlated* with the teaching of the craft does not convey the whole idea. What the scheme envisages is that the craft or productive work in which the pupil is to engage should be made the prime *means* of his mental development and intellectual training. As the craft is practised, the skilful teacher would explain in a very unobtrusive manner its 'why and wherefore', and through a discussion of the various problems that will press themselves upon the child's mind, a sufficient knowledge of history, geography, science, mathematics and civics would be made available to him. 'The teaching of Takli spinning for example,' said Mahatmaji in the course of his presidential speech at the All India Educational Conference at Wardha, 'presupposes imparting of knowledge of various varieties of cotton, different soils in different provinces of India, the history of the ruin of the

handicraft, its political reasons which will include the history of the British rule in India, and knowledge of Arithmetic. I am trying the same experiment on my little grandson who scarcely feels that he is being taught, for he all the while plays, and laughs and sings.' This would make education a unified and integral activity.

The second vital feature of the scheme is that, with a view to ensuring that the children at school will acquire not only effective and abiding literacy so that there may be no danger of their relapsing into illiteracy, but that they will also be mature enough to understand and appreciate social problems and develop social habits, the primary education course is made to cover seven years, from the age of seven to fourteen. This will eliminate the great wastage which characterises the present system with its four or five years' course.

The third important feature of the scheme is that it demands the introduction of free and universal education for all boys and girls on a compulsory basis,—not in selected areas merely but throughout the country. It promises to stamp out illiteracy in a comparatively short time, say, twenty years or so. In the past, primary education could not be made free, universal and compulsory because of the prohibitive cost involved in the effort. Mahatma Gandhi has tried to cut this Gordian knot by his proposal to make the scheme almost self-supporting.

That the Wardha Scheme is expected to be more or less self-supporting is its fourth vital feature. According to Mahatmaji, capacity to pay its way is the acid test of its reality. His idea seems to be that through the sale proceeds of the commodities produced by the scholars, a great portion of the expenditure on their education can be easily met. The State must, of course, come forward and purchase the output of the institutions. The scholar may not be able to produce enough to meet the cost of his education during the first one or two years, but if the entire period of seven years is taken into consideration, it is expected that he would produce enough to compensate the institution for what it has cost it to educate him.

Lastly, it may be pointed out that all instruction is to be given in the scholar's mother-tongue. He would be spared the strain of

mastering a foreign language

Education through some form of productive labour, a seven years' course, free and universal primary education for all boys and girls on a compulsory basis, capacity to be self-supporting, and instruction through the mother-tongue. these are the fundamental ideas and principles underlying the Wardha Scheme of Education

The scheme has many merits. It is based on the sound pedagogic principle that the education of the child should be through play and should enlist the support of his instincts and the whole mind. It regards the mind of the child as active and in constant touch with the social environment. It removes some of the most serious defects of the current system by making education practical and relating it to social needs and environment. It also removes the hiatus between the educated and the uneducated, and is expected to establish more healthy relations between the cities and the villages. Its greatest merit is that it offers a practicable solution of the most difficult problem of free and compulsory primary education. It is calculated to make the education of the masses possible without placing unbearable financial strain on the public exchequer. With regard to its effect on the minds of the children it is best to quote the following observations made by the Kashmere Government in their report on Basic Education in the State: 'Several discerning and well-known educationists and other distinguished visitors to Basic Schools have borne testimony to the fact that the children who have been educated according to this scheme have shown far greater mental alertness and educational awareness than pupils of ordinary schools. In powers of self-expression and in Arithmetic these students have, generally speaking, proved superior to those in ordinary schools. Craft work has succeeded in stimulating and sustaining their interest to a degree which could not be possible in an atmosphere of purely bookish education.' It is no exaggeration to say that the salvation of the Indian villages and the key to mass literacy lies in this scheme. About its potentialities it is best to quote Mahatmaji himself. In the issue of *The Harijan* of October 9, 1937 he wrote as follows: 'My plan to impart primary education through the medium of village handicrafts like spinning and carding etc., is thus conceived as the

spearhead of a silent revolution fraught with the most far-reaching consequences - It will produce a healthy and moral basis of relationship between the city and the village, and thus go a long way towards eradicating some of the worst evils of the present social insecurity and poisoned relationship between the classes. It will check the progressive decay of our villages and lay the foundation of a juster social order in which there is no unnatural division between the 'haves' and the 'have-nots', and everybody is assured of a living wage and the right to freedom. And all this would be accomplished without the horror of a bloody class-war or a colossal capital expenditure such as would be involved in the mechanisation of a vast continent like India. Nor would it entail a helpless dependence on foreign imported machinery or technical skill. Lastly, by obviating the necessity for highly specialised talent, it would place the destiny of the masses, as it were, in their own hands.'

An effort to set the scheme going was made in 1938. Mainly on account of the impetus Mahatmaji gave to it, it got a good start. Several provinces and some Indian States adopted it. It was most successful in Bihar and Kashmere. Till last year 120 Basic Schools had come into existence in Kashmere, 27 in Bihar, 52 in Bombay, 59 in C. P. and nearly 4000 in the United Provinces. The schools in the U. P. and C. P. are not cent per cent basic; they are old schools which have adopted the syllabus of the Basic Education Committee. It would thus appear that the scheme has received a fair measure of support. Its fundamentals stand justified at the bar of enlightened educational opinion, and its future seems to be bright. It would not be possible for any intelligent educationist of the future to think of primary education in terms of the interests of the upper and middle classes as was the case before its inception nor will the future primary schools be places for mere bookish learning unrelated to social needs and environment as the present day schools are. Of course, the future may see many modifications wrought into it. It may be stated in passing that many features of the scheme, though not all the important ones, have been incorporated in the post-war scheme of educational development as prepared by Mr John Sargent which we must now study.

The Sargent Scheme of Post-war Educational Development.—

The measure of support which the Wardha Scheme received and the headway it made in the country perhaps led the Government of India also to think of educational development in the post-war period. Accordingly the Central Advisory Board of Education appointed a committee to prepare a plan of educational development. The report, popularly known as the Sargent Report, was published early in 1944. If its recommendations are accepted and given effect to by the Government, there would be a revolution in the educational system of the country. It incorporates several features of the Wardha Scheme, and in some respects it is an improvement upon the latter. It does not confine itself to a reconstruction of primary education alone as the Wardha Scheme does, but also deals with secondary and university education — themes left untouched by the latter.

Like the Wardha Scheme, the Sargent Scheme also proposes free, universal and compulsory primary education for all boys and girls in the country between the ages of six and fourteen. In view of the difficulty of securing the services of trained teachers in sufficient number it may not be possible to liquidate illiteracy in the country in less than forty years. Both the schemes have to face the difficulty of obtaining the requisite supply of trained teachers. The Sargent Scheme makes detailed recommendations about the recruitment, training and conditions of service of the teachers. But with all this the Sargent Scheme does never stress the importance of craft as the Wardha Scheme does.

The *primary* course is divided into two stages. There will be two grades of Basic Schools, the Junior and the Senior. The great majority of students would go from the Junior to the Senior Basic School and their education may stop there. Children of ability and promise would be selected for transfer from the Senior Basic Schools (these would correspond to the present middle schools) to the High Schools. It is estimated that one out of every five Senior Basic School students would be able to enter the High School. The underlying idea is that whereas basic education is to be made universal, admission to the High Schools should be made on a selective basis. Only such students are to be taken as show promise of taking full advantage of the facilities for High

School education At the basic stage there shall be no examinations, promotions are to be decided by the teachers on the basis of the record of daily work in the class.

The Sargent Scheme also makes provision for *pre-primary* instruction in the form of Nursery Schools to be staffed by specially trained women teachers. Instruction in these schools is to be free but not necessarily compulsory. Efforts would however be made to persuade the parents to send their children to these schools voluntarily. The main object is to give young children social experience rather than formal instruction. There is no reference to such schools in the Wardha Scheme.

The total estimated annual cost of establishing and maintaining the pre-primary, junior and senior basic schools in the whole of British India would be more than 200 crores of rupees. The greatest difficulty, however, is to find the sinews of war for it. The Wardha Scheme does not involve such a big expenditure.

The High School Education is to cover a period of six years. The normal age of admission is to be 11 years: i.e., after a student has finished his junior basic education. As stated above, promising scholars only would be selected from the Senior Basic Schools and admitted to the High Schools. The High Schools are to be of two types, academic and technical. The aim of both is to provide a good all-round education combined with some preparation in the later stages for the careers which the scholars will enter on leaving school. The curriculum is to be as wide as circumstances permit, and is not to be dominated by the requirements of universities as at present. The cost of establishing such high schools will be about 50 crores of rupees.

University Education — The Report makes several recommendations in regard to university education with a view to an improvement in the standard of instruction. The chief of them are the following — (i) Revision of the conditions of admission with the object of assuring that only those students are admitted who are capable of taking full advantage of a University course. (ii) Abolition of the present Intermediate course, the first year of which is to be added to the high school and the second, to the degree course for the present. (iii) The minimum length of the

university degree course is to be three years: (iv) Expansion of the tutorial system with a view to a closer personal contact between the teachers and the taught. The scales of pay in the universities are to be made more attractive. The estimated net cost of giving effect to these recommendations would be 672 lakhs of rupees a year.

The Report also makes recommendations about technical and commercial education, adult education, education of the handicapped persons, and training of teachers. The total cost of the scheme would be more than 300 crores of rupees a year. The Inter-University Board considered the Report and endorsed its main recommendations.

(c) **Professional and Technical Education.**— Next in importance to the problem of the liquidation of mass illiteracy and the reform of higher education is that of making adequate provision for professional and technical education. There is the general feeling in the country that the education imparted in our educational institutions is too literary, and that our schools and colleges have paid little attention to vocational or professional education and much less to industrial and technical. There are not enough institutions preparing students for the teaching, the medical, the engineering and the other learned professions. In the whole country there were only 8 colleges offering courses in agriculture, two in forestry, four in veterinary and two technological institutes in 1942.* It will be an interesting study to find out the number of graduates in the Faculties of Technology, Engineering, Agriculture, and Forestry in the different universities. The author of the highly interesting article on Technical Education in the Oxford Pamphlet No 12, dealing with the Educational System in the country, points out that in the highly industrialised province of Bombay there were only 264 graduates in the Faculty of Technology, 192 in Engineering, 20 in Chemical Technology, and 52 in Agriculture out of a total number of 5100. He also notes with regret that the Bombay University does not offer any degree course in textile manufacture which is the premier industry of the province. Our backwardness in industrial and technical education is largely due to the political conditions prevailing in the country. As has been remarked more than once in this chapter, our educational

* Vide Indian Year Book, 1944—45

system was designed to fulfil government requirements for cheap clerks etc. Progress in technical and industrial education was sporadic and casual.

Recently, however, there has been a shift of attention; technical education has assumed great importance. In 1936, the Government of India appointed a committee under the chairmanship of Mr. Abbot to report on the provision of technical education in the country. The Committee recommended the setting up of a Government Advisory Council for vocational education in each province and the opening of junior and senior vocational schools in selected places to give the students training preliminary to appointment in industries of a manipulative nature. The Delhi Polytechnic established in 1941, was the first institution of its kind to be started in pursuance of the recommendation of the Abbot-Wood Committee. Under the stress of the War the Central Advisory Board of Education appointed a Committee under the chairmanship of Mr. John Sargent, Educational Adviser to the Government of India, to explore the possibilities and modes of developing the facilities for technical education in the country as a whole. Its chief recommendation is for the establishment of the following three types of technical institutions: (i) Junior Technical or Industrial or Trade Schools with a two year full time course for students who have passed the Senior Basic School at the age of 14 or so. (ii) Technical High Schools with a six year full time course to which selected students might be admitted at about 11 years of age after leaving the Junior Basic School. (iii) Senior Technical Institutions with a two or three year full time diploma course, or a three year part time course for those already in employment. It also recommended the establishment of an Association of Principals of Technical Institutions to stimulate and coordinate the development of technical education.

We may conclude this brief note on the subject with an account of the facilities existing at present for technical instruction. Only four out of the 19 Universities in the country, namely Benares, Bombay, Mysore and Travancore, offer courses in Technology. They have departments of Applied Chemistry or Chemical Technology, Electrical Technology, sections dealing

with 'Intermediates and Dyes', 'Paints and Varnishes', 'Oils, Fats and Soaps', etc. There is also the Indian Institute of Science offering post-graduate teaching and research in applied chemistry, bio-chemistry and electrical technology. Mention may also be made of the Harcourt Butler Technological Institute and the Imperial Institute of Sugar Technology at Cawnpore, the Victoria Jubilee Technical Institute in Bombay, and the Kala Bhavan Technical Institute at Baroda. There are also a few schools maintained by Government at different places, e. g., the Leather Working School at Cawnpore, the Central Woodwork Institute at Bareilly.

Private munificence on the part of the leading industrialists has been lacking so far. The Tatas, to whose munificence the Indian Institute of Science is due, are an exception. Unless the industrialists come forward with monetary help and establish chairs of Technology in various universities, the growth of technical education will not be rapid. The demand for technicians is bound to grow as the country develops industrially. The establishment of new Technological Institutes is a great national necessity. It may also be mentioned that with a view to increasing the supply of properly trained technical personnel who are likely to be required in connection with the various plans for post-war development, the Government of India have decided to make arrangements to send about one thousand students at Government expense to the United Kingdom and the United States for advanced courses in technical and scientific subjects.

(d) **The Education of Special Communities** — The existence of educationally backward communities like the Depressed Classes and the Muslims raises a difficult problem. Special efforts have to be made to advance education among them. The existence of untouchability and the resulting prejudice against the admission of depressed class children to the schools where the boys and girls of caste Hindus receive their education makes the problem of their education very difficult. Some persons advocate the establishment of separate schools for members of the depressed classes. This, however, is not a good remedy as it preserves the spirit of segregation and does nothing to abolish it. Efforts should

be made to admit them to common schools and educate them along with the caste Hindu boys. The opposition on the part of caste Hindus is on the wane. Special scholarships, fee concessions, supply of books and other facilities of a similar nature should be provided for them. It is a good sign that education is making rapid progress among them.

The Muslim community has also made considerable advance in education. The education of Muslim girls is yet deficient on account of *purdah*. Special schools exist for Europeans and Anglo-Indians. Under the Montford Reforms their education was a reserved subject, and under the present constitution it is one of the special responsibilities of the Governor. It may be noted here that the Parsis are educationally the most advanced community.

Unrecognised Institutions — In addition to the arts colleges, professional colleges, high schools, middle, primary and special schools which follow syllabuses prescribed by the Universities and the Education Departments in the various provinces, there are also *unrecognised* institutions in the country which give instruction to the citizens. In 1940—41 the number of such institutions was 18,139 with 552,010 scholars on their rolls. A large number of them are language schools imparting instruction along traditional lines, and some of them give training in certain crafts. They are called unrecognised institutions because they do not follow any of the syllabuses laid down by the Education Departments and are in no way controlled by the Government. Their examinations are not recognised by the Government and the recognised educational institutions. Some of them owe their existence to great national leaders, and being run on original lines, have attracted almost world-wide attention. The more important of them are the Gurukul Kangri at Haridwar, the Vishwa-Bharati University and the school at Shanti-niketan (since affiliated to the University of Calcutta), the Jamia Milia Islamia at Delhi and the Dar-ul-Alum of Deoband. The Vidya Bhawan at Udaipur, and Prof. Karve's Women's University at Bombay, also deserve mention. Here we shall refer briefly only to the first two.

The Gurukul Kangri was founded in 1902 by Mahatma Munshi Ramji, who later on came to be known as Swami Shraddhanandji.

The story of the way in which the idea of establishing it took birth in the mind of its founder throws a flood of light upon its nature and aims and ideals, and is therefore worth reciting. Mahatma Munshi Ram was a staunch follower of Maharshi Dayanand and closely associated with the educational activities of the Arya Samaj in the Punjab. He was on the managing committee of the famous 'D. A. V. College, Lahore. Along with some other colleagues he felt that its work was greatly hampered by being connected with the Punjab University, and that it was thinking too much of the university examinations and too little of education on sound national lines. They saw how the 'system hampered the growth of the education of the country's youth,' and decided to organise it on new lines. Mahatma Munshi Ram started the Gurukul in the village Kangri on the bank of the river Ganges, a few miles away from Hardwar.

The Gurukul is thus an attempt to cast out Western methods in education and revive the ancient ideals and traditions. Like the ancient Ashrams it is situated in sylvan surroundings, away from the haunts of men and away from the devitalising influence of modern cities. In such an environment, in the midst of nature and under the supervision and control of their teachers who cannot be regarded as mercenaries, the *brahmcharis* are trained to lead hard lives. They enter the Gurukul at the early age of five or six and remain there till the completion of their studies. During this period they are not allowed to go home, not even during the long vacation as is the custom in our colleges and universities. Their parents come to the Gurukul once a year on the occasion of its anniversary festival and meet the *brahmcharis*.

The Gurukul is the first Indian University to adopt an Aryan vernacular as the medium of instruction right up to the degree and post-graduate standard and frame its own courses of study. It conducts its own examinations. Indian literature, philosophy and Sanskrit are taught together with a little of English and western sciences. Religious training is a special feature of the institution. The main emphasis is on the formation of a strong, sturdy character and the inculcation of the spirit of freedom. It lays stress on Brahmacharya and moral training. For long the institution was suspect

in Government eyes, but the visit of Sir James Meston, the Lt Governor of the United Provinces, in 1913 lifted the clouds under which it lay. There are now several Gurukulas in existence. It is interesting to note that the All Asia Educational Conference held at Benares sometime ago passed a resolution that in order to stress the moral side of the education of children, the Gurukul scheme be introduced in all educational institutions.

The Shantiniketan school and the Vishva-Bharati University at Bolpur, Bengal, were founded by the great poet Rabindranath Tagore with different ideals and motives. From his personal experience at school Tagore realised that the existing system of education is divorced from life and that children do not feel happy at school. What they learn there has no connection with the world in which they live. Their personality is suppressed rather than developed. Tagore ran away from the school and never returned to it. He therefore wanted to establish a new school "where (1) children would be happy to go because they would have the utmost freedom and would not be forced into anything which they did not wish to do, (2) where, under the environment of the Ashram, they would find a natural outlet for all their capacities and a greater chance for their development, (3) where nature would be the chief teacher—others would act only as guides and not as taskmasters, (4) where the gulf which exists in most schools between the teachers and the pupils would be bridged by a spirit of friendship and brotherliness, (5) where the personality of the child would be respected and not suppressed; (6) where, under the environment of the Ashram, the pupils would find the best opportunity for their physical, moral, intellectual and spiritual development, (7) where as members of their school community, they would learn their lesson of citizenship in a larger society, and the activities of the school would be closely connected with those of the society, (8) where the pupils would draw inspiration from their own folk-literature, and popular traditions, and receive instruction through the medium of their own vernacular."

The Vishva-Bharati was founded with the threefold object of concentrating there the different cultures of the East, especially

* Prem Chand Lal *Reconstruction and Education in Rural India*, page 41.

those that have originated in India or found shelter within her shores, laying in the Shantiniketan the foundations of a happy, contented and humane life in villages, through the Institute of Rural Reconstruction, and finally establishing a living relationship between East and West, to promote inter-cultural and inter-racial amity and understanding, and fulfil the highest mission of the present age—the unification of mankind. As distinguished from the Gurukul, the Vishva-Bharati seeks to unite the cultures of the East and the West in a new organic whole. It does not discard what is valuable in the culture of the west but wants to imbibe it. To achieve this noble object the poet invited scholars from foreign lands to lecture and stay at Shantiniketan. Among those who responded to the poet's invitation might be mentioned the honoured names of Professor Sylvian Levy of Paris, Professors Winternitz and Lesney of Prague, Professors Carlo Formichi and Tucci of Rome, Professor Sten Konow of Norway, and Dr. Bake of Holland

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The student will find the works of Swami Ram Tirtha, Swami Vivekanand, and the writings of Mahatma Gandhi of supreme value in his efforts to know and appreciate the tangle of Indian Life.

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PART II

INDIAN ADMINISTRATION

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PART II.

ADMINISTRATION.

Chapter VIII

EVOLUTION OF THE ADMINISTRATIVE SYSTEM.

Introductory.—After having completed a brief survey of the social, economic, religious and political life in the country and cast a glance at its educational system and problems, we now turn to a study of its administration. The administrative system under which we live at the present time is the product of a slow process of growth extending over nearly two centuries. Its evolution is closely connected with the manner in which the East India Company, originally formed in England in 1600 to carry on trade with the East, acquired territorial possessions and political power in our country. But we shall not make any attempt to describe here the means employed by it to achieve this result or trace the history of its territorial conquests or acquisitions, our concern is more with the landmarks in the growth of the constitutional system and administration. It should be sufficient for our purpose to note that as a result of the victory won by Clive at the battle of Plassey in 1757 and the treaty of Allahabad concluded in 1765 with the Mughal Emperor, the Company became the virtual ruler of Bengal, Bihar and Orissa. It had already become the dominant European power in Madras by successfully ousting its rivals—the French. By that year it had thus become a political power in the land. From 1765 its political power and prestige continued to grow at the cost of native rulers and princes, and before long it became the paramount power in fact, if not in theory. (Its highest executive authority, the Governor-General, continued to pay homage to the Mughal Emperor till 1854.) During this period the Company had transformed itself completely from a trading corporation into a political body. After the Sepoy Rebellion of 1857 the Crown took over charge of Indian administration into its own hands, and the Company became extinct. The Crown became not only the Paramount, but also the Suzerain power, in the land.

Landmarks in Constitutional Development.—(1) The Act of 1773.—The first Act which laid the foundation of the present constitution was the Regulating Act of 1773. It has great constitutional importance for several reasons. By and through it, Parliament for the first time recognised the political functions of the East India Company, and asserted its own right to dictate the form of government for what were till then considered to be the private possessions of the Company. It is thus the first of a long series of Parliamentary Acts which determined the structure of the Government of India from time to time. It was also the first step towards the unification of India. Before its enactment, the possessions of the East India Company were grouped into the three Presidencies of Bengal, Madras and Bombay. Every one of them was separate from and independent of the other. Each had its own Governor and Councillors, and the Governor had direct relations and communications with the Court of Directors in England which was the supreme governing authority of the Company's affairs there. The Act reconstituted the Council of Bengal, made the Governor of Bengal the Governor General of India, and vested in him and his executive councillors not only the civil and military government of Bengal, but also the power of superintending and controlling the governments of Bombay and Madras in matters of declaration of war and making of peace. The Governors-in-Council of the two Presidencies were required to pay due obedience to the orders of the Governor-General-in-Council, and to submit to that authority all information in their possession concerning the government, revenues, or interests of the Company. The Governor-General-in-Council was given the power to suspend a recalcitrant Governor-in-Council. The Act of 1773 thus laid the foundation of the unitary type of government for this vast country. It was the Act of 1935 which envisaged the establishment of a federal form of government for the first time. It may also be mentioned that, the Act of 1773 named Warren Hastings as the first Governor General, and gave him four councillors. All of them were to hold office for a period of five years, and were irremovable except by His Majesty upon a representation made by the Court of Directors. These features, too, became a part and parcel of the constitution of the land.

The Act also empowered the Governor-General-in-Council to make rules and regulations and issue ordinances for the peace and order and civil government of the Company's territories, provided, they were not inconsistent with the laws in force in England. They were not valid unless they were registered with the Supreme Court and had received its approbation. It also recommended the creation of a Supreme Court of Judicature at Fort William. Into the other details of the Act we need not enter as they are of no constitutional importance. We may, however, point out one very serious defect of it. It made the Governor-General powerless before his Executive Council because decisions were to be taken by a majority of votes and the Governor-General had no power of veto. The Supreme Court was also given a veto over the executive without being made responsible for the peace and order of the country.

These and other defects inherent in the Act of 1773 were sought to be removed by the Act of 1781 which, among other things, freed the executive from the necessity of registering their regulations and ordinances with the Supreme Court, and getting its sanction for them. The causes of friction between the executive and the Court were thus removed. Except for this the Act is not of great constitutional importance.

2. Pitt's India Act of 1784.—The second landmark in Indian constitutional development is the passing of Pitt's India Act in 1784. It marks the beginning of a new phase in the attitude of the British Government towards affairs in India. The Regulating Act of 1773 had recognised the political functions of the Company but made no effort to put it in a position of subordination to the British Government. The constitutional importance of Pitt's Act lies in the fact that it placed the Court of Directors, which was the supreme governing body so far as the Company's affairs were concerned, in direct and permanent subordination to the British Government and deprived the Company of its supreme and ultimate control over Indian affairs. This was achieved by the creation of a body of six Commissioners, popularly known as the Board of Control, to exercise control over the Court of Directors. The Board was to consist of the Chancellor of the Exchequer, one of the principal Secretaries of State, and four

members of the Privy Council. It was empowered to superintend, direct and control all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies. It was also to have access to all the papers, minutes, correspondence, etc., of the Company. The Court of Directors were bound to give the Board all information the latter might require, and to carry out their instructions. The Act also established a Committee of Secrecy of three persons which could send the orders of the Board of Control to officers of the Company in India without communicating their contents to all the directors. The Court of Directors and the Court of Proprietors thus lost their supreme governing power which was transferred to the Board of Control. But it must not be concluded that the Directors were left with no powers or control. Their position was still strong, they exercised considerable influence upon the details of administration, and had the right of initiative. There were thus two bodies controlling the affairs in India, the Court of Directors and the Board of Control. Hence the Act is sometimes said to have inaugurated the period of Double Government so far as the conduct of Indian administration in England was concerned.

Besides creating a special agency to control the Court of Directors the Act made certain minor changes in the constitution also. It reduced the members of the Council of the Governor-General from four to three. A similar provision was made with regard to the Councils for the Madras and the Bombay Presidency. By giving the Governor-General in Council greater powers to direct and control the Governments of the Presidencies it carried the process of unification of India one step further.

The Act of 1813 which renewed the Company's charter for another twenty years did not introduce any new feature in the constitutional structure. But it increased the interference of Parliament in the administration of India's affairs by the Company and reduced its trade monopoly to tea. It also emphasised the sovereignty of Parliament and its right to introduce changes in the Company's privileges and the administrative system of India. It was a clause in this Act which required the Company's Government in India to set apart a sum of one lakh of

rupees annually for the advancement of the education and learning of the natives of the country

3. The Act of 1833.—More important than the Act of 1813 was the Act of 1833 which renewed the charter for another term of twenty years. In the first place it put an end to the commercial business of the Company altogether. The Company ceased to be the *mercantile* corporation it had been from the day of its inception in 1600, and became a purely *administrative* machine. Its work was conducted as usual by the Court of Directors controlled by the Board of Control. Secondly, it took away from the provincial governments the right of making laws they had enjoyed till then and concentrated it in the hands of the Governor-General in Council. It was a much needed reform and made the Government of the country more highly centralised than it was before. Thirdly, it enlarged the Executive Council of the Governor-General by the addition of a fourth member who was thenceforth to be known as the Law Member. Lord Macaulay was the new Law Member. The other provisions of the Act have little or no constitutional significance and so need not be detailed here. But attention should be drawn to the clause which laid down that 'fitness is henceforth to be the criterion of eligibility' and that no native of India was to be disabled from holding any position under the Company's Government by reason of his religion, place of birth or colour. But as the whole of the country knows, this provision was honoured more in breach than in observance.

4. The Act of 1853.—The Act of 1853 also deserves a little consideration. It, once again, renewed the powers of the Company and allowed it to retain possession of the Indian territories, but 'in trust for Her Majesty, her heirs and successors'. Unlike previous practice, no time limit was laid down in this Act. More important than this was the provision for the creation of a separate Legislative Council for India for the first time. This new Legislative Council was to consist of the Governor-General, the members of his Executive Council, the Commander-in-Chief, and six other legislative members two of whom were to be British judges and the other four were to be officials appointed by the governments of Madras, Bombay, Bengal, and Agra. The Act thus marked the beginnings of a new organ of government.

5. The Act of 1858—Far more revolutionary in its effects was the Act of 1858. It was called the Act for the Better Government of India. It put an end to the Company as a political corporation and transferred the Government of India from it to the Crown. India began to be governed by and in the name of Her Majesty, Queen Victoria. All the powers thitherto exercised by the Court of Directors and the Board of Control were transferred to one of Her Majesty's Secretary of State who came to be known as the Secretary of State for India. In other words, the era of 'Double Government' inaugurated by the Act of 1784 was brought to a close, and the 'Home Government' of India came to consist of the Secretary of State for India in Council. The Act also created a Council of India to assist and advise the Secretary of State for India in transacting the affairs of this country. The Secretary of State was made responsible to the British Parliament. He was required annually to place before Parliament an account of the revenues and expenditure of the Government of India together with a report on her moral and material progress during the preceding year. The salary of the Secretary of State was to be paid out of Indian revenues.

The passing of the Act of 1858 thus marks the close of one and the commencement of another era in the constitutional history of India. The rule of the Company came to an end, and government by the Crown began. In the era that closed there was no thought of preparing the citizens for self-government and no representative institutions were introduced. In the new period a different note was to be struck. There was a rise of political consciousness among the people, the demand for associating them with the affairs of the government, which at a later stage developed into the demand for self-government, was made. Partly to satisfy this demand and partly due to other causes a series of Acts, beginning with the Indian Councils Act of 1861 and, for the time being, ending with the Government of India Act of 1935, were passed. Representative institutions were gradually established, and the share of the people in the affairs of the government was increased by each successive Act. It is not possible to give a detailed account of the various Acts; attention will be drawn only to their

more important provisions in so far as they moulded and shaped the constitutional structure

6 Indian Councils Act of 1861 The belief was held by many persons that lack of contact between the rulers and the ruled and the exclusion of Indians from the legislature of the country were among the chief causes of the Sepoy Rebellion of 1857. The question of giving representation to the people in the legislature was raised at the time of the passing of the Act of 1858, but Parliament negatived it. What was deemed impracticable in 1858 was found to be necessary and desirable in 1861. The Act of 1861 made it possible for the Governor General to associate a few Indians with the work of legislation for the first time, and thus sowed the seed of representative institutions. It is true that it did not give the people the right to *elect* their representatives, the Indian members of the legislature were to be *nominated* by the Governor General. They were to be not less than six and not more than twelve in number and were to hold office for two years. Under the conditions prevailing then, even this was a great advantage because it enabled the Government to come into contact with Indian opinion. This step has a great constitutional importance. It is interesting to note that the function of the Legislative Council was limited to legislation only, the right to put questions and deliberate on matters of policy was not given to it.

The second important change of a constitutional character effected by the Act was the restoration of legislative powers to the provincial governments which had been taken by the Act of 1833. This marks the beginning of legislative devolution. It made provision for the establishment of similar legislative councils in the Bombay and Bengal Presidencies, and empowered the Governor General to establish by proclamation similar bodies in in the North-West Province and the Punjab. Certain restrictions were imposed on their legislative powers. Previous sanction of the Governor General was necessary for certain legislation, and all Acts passed by them required the assent of the same authority. It should be remembered that the Legislative Councils created by the Act of 1861 were nothing but the respective Executive

Councils of the Governor General and the provincial Governors enlarged by the addition of a certain number of nominated Indians half of whom were to be non-officials. The Act also added a fifth ordinary member to the Executive Council of the Governor General. The other provisions are not of much constitutional significance, and do not, for this reason, interest us here.

7. The Indian Councils Act of 1892—Although many important and significant changes took place in the political life of the country during the seventies and the eighties of the last century*, no change was made in the constitution of the legislatures till the passing of the Act of 1892 which may be regarded as another landmark in the development of representative institutions.

This does not mean that during this interval of a little more than thirty years, no Acts were passed by the British Parliament affecting and modifying the administrative system, only they are not important enough to be noted here. Because of the changes it introduced in the composition of the Indian legislatures, in the direction of giving them greater powers, and because of admitting the principle of election, though in an indirect manner, the Act of 1892 possesses a great constitutional importance. It was with the object of taking the wind out of the sails of the Indian National Congress which was pressing the demand for the expansion of the central and provincial legislative councils and the inclusion of elected Indians in them, that the Government of India initiated a move resulting in the passage of this Act.

The Act achieved three things. It increased the number of additional members in the Central and Provincial legislatures. The Governor-General's Legislative Council was to contain not less than ten and not more than sixteen nominated members, (as contrasted with the minimum of six and the maximum of twelve as laid down by the Act of 1861). Not less than ten of these nominated members were to be non-officials, according to the old Act then proportion was one-half. The number of nominated and non-official members in the various provincial legislatures was also

*See above chapter V. The most important event of the period was the establishment of the Indian National Congress in 1885 which was preceded by a whole series of events described on pages 145-54.)

increased. Under the rules made under it for the nomination of non-official members the Governor-General was to nominate five persons on the recommendation of the Calcutta Chamber of Commerce, and another five on the recommendation of the non-official members of the Legislative Councils of Madras, Bengal, and Bombay Presidencies, and the North-West Province. In this manner the system of nomination on the basis of indirect election was introduced. The members of the provincial legislatures were to be nominated from amongst persons chosen by the local bodies which had come into existence, e.g., municipalities, chambers of commerce. The idea was to get persons in touch with public opinion.

To the central legislature thus enlarged greater powers were conceded. It was permitted to discuss the annual budget but without the power of voting upon it. The members were also given the right to put interpellations but could not ask supplementary questions. The power to move resolutions or to divide the house on a matter connected with the budget was not given. As can easily be imagined, these reforms failed to satisfy the National Congress. The system of election introduced was a round about one. In the provinces the right of being represented was given to some interests and not to others. The rules of election were so framed by the provincial governments that it was difficult for independent men to enter the Councils.

8. The Indian Councils Act of 1909.—Nationalist opinion in the country as expressed in the proceedings and resolutions of the Indian National Congress was very much dissatisfied with the reforms introduced by the Act of 1892. The Congress kept up its demand for the expansion of legislatures and a greater popular representation in them. As a result of the policies pursued by Lord Curzon during his seven years regime, there had occurred not only a rapid growth of the national spirit, but the terrorist and extremist movements also had come into existence. These new developments made the British Government, both in India and England, realise the necessity of doing something to assuage public feeling and rally the moderates to their side. Mr Gokhale was also exerting his influence to persuade the government to appease the Congress. Lord Morley, who was the Secretary of

State at that time, realised the gravity of the situation and the necessity for some sort of change. Lord Minto, the Governor-General, was also of the same mind. Steps were accordingly taken to give the country a further instalment of reforms. The result was the passage of the Act of 1909. The reforms are popularly known as the Morley-Minto Reforms, and are also an important step in the development of the Indian constitution.

The Act of 1909 further enlarged the legislatures. The number of the members of the Legislative Council of the Governor-General was raised from sixteen to sixty, exclusive of the Governor-General and the members of his Executive Council. Its total strength now stood at 68. Similarly, the Legislative Councils in the various provinces were materially strengthened. The old method of nominating non-official Indians on the basis of indirect election was given up, and the principle of direct election was for the first time introduced. In some of the provincial legislatures the elected members formed the majority, but in the central body an official majority was maintained. Out of its 68 members, 36 were to be officials, 25 elected non-officials, and seven nominated non-officials.

The powers and functions of the Councils were also considerably increased. They were given the right to discuss and move resolutions on the annual budget. The House could be divided on some of the items included in it. The Councils were also given the right to move and discuss resolutions upon questions of public importance and also claim a division on them. This right could be exercised only within certain limits, certain subjects could not be discussed by them. The right to ask supplementary questions was also conceded. It should also be remembered that the resolutions passed by the legislatures were merely recommendatory in character, they were not binding on the government with whom rested ultimate decision in all cases. The various legislatures had no function save that of criticism.

Though these reforms were important and valuable and marked a distinct step forward, they did not inaugurate any new policy. They constituted only an extension of the previously existing system. The changes introduced differed only in degree

and not in kind. The association of the sons of the soil with the foreign rulers was increased, the former got greater representation in the various legislatures and had greater opportunities of expounding and expressing public opinion before the government. They could also hope to influence the latter. But there was no grant of *responsibility* to the Indians whatsoever. The Act of 1909 did not contemplate the transfer of power to the people to the smallest extent. Lord Morley clearly and unequivocally stated in Parliament that there was no question of introducing parliamentary government in India, i.e., of subordinating the executive to the legislature. In a speech in the House of Commons he declared: 'If it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India, I for one would have nothing to do with it.' All that the Act was intended to achieve was to *associate* the legislature with the executive to a larger degree than before and to give Indians a larger representation in the former. Attention may also be drawn to another step of a similar nature taken by Lord Morley, though it did not form part of the Act but was closely connected with it. For the first time he appointed two Indians to his India Council, Mr K G Gupta and Mr Syed Hussain Bilgrami. This was done in 1907. It prepared the ground for the appointment of an Indian to the Executive Council of the Governor-General in 1909, shortly after the Act was passed. Mr S P Sinha, who afterwards became Lord Sinha, was the first Indian to hold a seat in the Executive Council as Law member. All these reforms were hailed with delight and welcomed by the Indian National Congress.

But imperialism does not make any concession to its victims without taking care to make it as ineffective as possible. The rules and regulations framed by the Indian government to give effect to the Morley-Minto Reforms were highly reactionary, they practically wrecked them, and converted the experiment which promised success into a great failure. The Congress severely criticised those rules. Their gravest defect was that they sought to counterpoise the effectiveness of one community by the other, and thereby introduced the problem of representation of minorities and special interests which has defied solution so far.

They created separate electorates for the Mohammadens and the landholding class, and gave them preferential treatment over other communities and interests. Along with the gift of election of representatives to the legislatures, the Government made a present of *communal and separate electorates* to the country

9. The Government of India Act of 1919—The actual working of the Morley-Minto Reforms demonstrated the limitations and defects of the policy of associating Indians with the administration of their country but without giving them any responsibility for it. Even a moderate leader like Gokhale complained that the non-official members of the Legislative Council were powerless to bring about any change in the policy of the government. Indian politicians felt very much dissatisfied with the empty right of carrying on inconsequential debates on a few questions of public importance which was all that the Act of 1909 gave them. It was clear that the policy of association which had been the sheet-anchor of all the Acts pertaining to the Government of India passed by Parliament from 1862 to 1909 had failed in its purpose of placating Indian opinion, and that it had to be replaced by a new and bolder policy. The Great War of 1914-18 provided an occasion for an early revision of the Indian question. In 1917, Mr. Montague, the then Secretary of State for India, made a historic pronouncement in the House of Commons which has been the basis of all subsequent constitutional legislation by the British Parliament in relation to India. In the course of it he said: 'The policy of His Majesty's Government, with which the Government of India are in full accord, is that of increasing association of Indians in every branch of the administration and the *gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India* as an integral part of the British Empire. The progress in this policy can only be achieved by successive stages. The British Government of India must be the judges of the time and measure of each advance.'

For the first time in British History a responsible official of His Majesty's Government publicly declared that the goal of the British policy in India was the development of self-governing

institutions and the final realisation of responsible government. So late as 1909, Lord Morley wrote to Lord Minto as follows: 'Not one whit more than you do I think it desirable or possible, or even conceivable, to adapt English political institutions to the nations who inhabit India.' As has been stated above the Act of 1909 did not contemplate any transfer of power to the people of this country. But Mr. Montague made another thing too equally clear. Self-government was only the *goal* of the British policy in India, it was not to be *immediately* granted but was to be established through successive stages, and the time and measure of advance at each stage was to be judged by the British Parliament and not by the Indian people. The Act of 1919 gave effect to these principles. It introduced a measure of responsible government in the provincial sphere leaving the centre as irresponsible as before. The following are the main features of the scheme embodied in it:—

1. A distinction was made between the central and provincial subjects, and the provinces were given a far greater measure of freedom to administer the provincial subjects.

2. The provincial subjects were divided into two groups. One group, called the *reserved* half, was to be administered by the Governor with the help of his executive council. The other group, called the *transferred* half, was to be administered by the Governor on the advice of ministers responsible to the provincial legislature. It was in the sphere of the transferred subjects that responsibility was introduced. In other words, the provincial executive was to consist of two parts, one responsible to the legislature and the other not responsible to it. This was known as *dyarchy*. The provincial legislatures were enlarged and given a substantial majority of elected members.

3. No responsibility was introduced in the central government which continued to be nearly as autocratic and bureaucratic as before. An attempt was however made to give the people a greater opportunity to influence its working by giving the elected representatives a clear majority in the lower chamber of the legislature which was constituted on a bicameral basis, and by increasing the number of Indian members of the Viceroy's

Executive Council to three. A part of the central budget was made subject to the vote of the legislature.

The reforms introduced by the Act of 1919 will be described in greater detail in the next chapter

10. The Government of India Act of 1935.— This was passed in pursuance of the promise of a further instalment of reforms as contained in the Act of 1919 and under pressure exerted by the Indian National Congress. In several ways it made a radical departure from the earlier policies. It provided for a federal constitution for India in which the Indian States were to join. It established provincial autonomy and abolished dyarchy in the provinces. Lastly, it postulated partial transfer of power to the people of the country in the central or federal government also. The details would be discussed in the chapter after the next

Chapter IX.

MONTFORD REFORMS AND THEIR WORKING.

(The Government of India Act, 1919)

The Preamble.—The Government of India Act of 1919 which embodies the reform proposals associated with the names of Mr Montague and Lord Chelmsford is memorable in the history of Indian constitutional development for declaring in unequivocal language that progressive realisation of responsible government is the goal of British policy in India, and making a beginning in that direction. This is set forth in the Preamble to the Act which deserves to be stated in full. It runs as follows :

‘Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of the Indian administration and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire ,

‘And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken ;

‘And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples ,

‘And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility ,

‘And whereas, concurrently with the gradual development of self-governing institutions in Provinces in India, it is expedient to give these Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities ,

‘Be it therefore enacted, etc.....’

Although the Act of 1919 has been superseded by the Act of 1935, the Preamble to it still stands and forms part of the constitutional law of India. It is therefore necessary to dwell a little longer on it and elucidate its significance.

The first point to be noted is that it makes India an integral part of the British Empire for all time to come. It does not envisage a free India outside the Empire. It is, of course, too much to expect that Parliament should consent freely to India walking out of the fold of the Empire. The fact nevertheless remains that this reluctance of Britain is incompatible with the present demand of India as voiced through the National Congress and other political bodies. It is also significant to observe that the Cripps proposals did contemplate the possibility of India seceding from the Empire*. Closely connected with the emphasis on perpetuating this enforced relation with the Empire is the fact that the Preamble clearly and definitely asserts the sovereignty of the British Parliament over India and also its responsibility for her welfare and administration. The time and manner of each successive advance towards the *distant* goal of full responsible government is to be determined not by the people concerned but by Parliament, an outside authority. This feature was severely criticised by Indians as it definitely denies to them the right and the principle of *self-determination* for the vindication of which the Great War of 1914-18, (and one might add, the second World War also) was ostensibly fought. It should also be noted that further advance on the road to self-government was made dependent on the co-operation of Indians and the extent to which they would demonstrate their fitness and sense of responsibility to the full satisfaction of the British Parliament.

In the third place, the Preamble lays down the two main principles of the reform scheme. The first is the introduction of partial responsibility in the provinces, and the second is the conferment on them of the largest measure of independence, legislative, administrative and financial, of the Government of India (but not the largest measure of *self-government*) consistently with the due discharge by the latter of its own responsibilities. The

*See *supra*, Chapter V, of Part I

implication is that the Government of India must remain wholly responsible to the British Parliament. The Preamble thus makes no reference to the changes introduced by the Act in the Central Government and the Home Administration of Indian Affairs.

It should be remembered that though the Act of 1919 demarcated the spheres of the central and provincial governments for the first time, and divided the subjects of administration into two classes, central and provincial, it did not contemplate anything like a federal constitution for India, the constitution continued to be unitary. The Central Government continued to enjoy the power of making laws for all persons and places and things and courts in British India, and the division of functions also was not so rigid as in a federal constitution. The Act of 1919 laid down that the provincial governments should pay due obedience to the orders of the Government of India and keep the latter constantly and diligently informed of their proceedings and of other important matters. In view of the excessive centralisation of government existing upto the inauguration of the Act of 1919 the importance and value of devolution of the authority or decentralisation it introduced cannot be gainsaid or minimised. Though of historic interest only it may be stated that matters like defence, foreign relations, railways, posts and telegraphs, coinage and currency, customs, public debt, civil and criminal law and procedure were made *central*, and subjects like local self-government, education, medical administration and public health, agriculture, industries, land revenue, irrigation, forests, administration of justice, police and prisons were made provincial. Along with this demarcation, the heads of revenue were also divided into central and provincial. This introduced the much needed decentralisation in the financial field. Provincial finance was separated from the central, and the annual financial statement of 1921 introduced in the Central Assembly contained no reference to provincial accounts. This devolution was necessary for introducing a measure of responsible government in the Provinces.

Main Provisions of the Act of 1919—Although the chief objective of the Act of 1919 was the introduction of partial responsibility in the provinces, it introduced several important changes in the Government of India, and in what is known as the

Home Administration of Indian Affairs. We shall first deal with the organisation of the Government of India as embodied in the Act and next pass on to an account of the provincial government. Home Administration will be taken up last.

GOVERNMENT OF INDIA

The Governor-General-in-Council and the Central Legislature are the two great organs of the Government of India. The Act of 1919 made many significant alterations in the composition and powers and functions of the legislative organ, but left the relation between it and the executive unaltered. It made some changes in the composition and character of the executive also, but none of them is vital.

The Executive—As before, the superintendence, direction and control of the civil and military government of India remained vested in the Governor General-in-Council. In other words, the supreme executive authority in British India for all matters is the Governor General-in-Council. This expression signifies that the executive authority is vested not in one individual but in a body of individuals. The Governor General is required by law to carry out his functions with the guidance and concurrence of his Executive Council. It must however be remembered that although matters coming up before the Executive Council are decided by a majority of votes, the Governor General is empowered to overrule the whole or part of his Council whenever he feels convinced that their views are wrong and harmful or when the preservation of the peace and tranquility of the country demands such a step. The occasion for its use rarely arises, because as a result of the operation of several factors the Governor General dominates his Executive Council. It is seldom that an executive councillor stands up against him; the whole atmosphere and traditions of the Council militate against a bold stand on the part of its members. It may be remarked with some truth that the Governor General is not merely a part of a whole but, in a diminutive measure, him-self constitutes a whole*.

The Governor General of India occupies 'the most responsible, as it is the most picturesque and distinguished office in the overseas

services of the British Crown' Few posts in the world carry the dignity, patronage, powers and emoluments associated with this office. Persons occupying a very high rank and status in British public life are appointed to it. According to a well-established custom the tenure of office is five years though sometimes, as happened in the case of Lord Linlithgow, and earlier, in that of Lord Curzon, an extension may be granted. The appointment is made by His Majesty on the advice of the Prime Minister. His salary is Rs 2,56,000 a year. The country is required to spend another sum of about fourteen lakhs of rupees per year on him in various ways.

The powers of the Governor General are numerous and of a varied character. They are mostly derived from the statutes. There are some powers of a prerogative nature which are granted to him in the Royal Warrant appointing him, e.g., the power to grant pardon to offenders convicted by courts of justice. His statutory powers may best be considered under the three heads, administrative, financial and legislative.

1. *Administrative Powers* — Vast powers accrue to the Governor General as the head of the Indian administration and the highest official in the country. Together with the Executive Council he is entrusted with the task of administering the civil and military affairs of the government of India and preserving peace and order in the country. As the President of his Executive Council he distributes work among its various members, makes rules and regulations for transacting its business, and summons its meetings at such places as he likes. He exercises general supervision over the work of the various departments and keeps himself acquainted with their diverse problems either through their heads, the different members of the Executive Council, or through their Secretaries who have direct access to him. He can override the whole or part of his Executive Council in certain cases. Some of his administrative powers relate to appointment to certain offices. Though the members of his Council and the Provincial Governors are in theory appointed by His Majesty on the advice of the Secretary of State for India, in actual practice, his recommendations carry great weight. For promotion to membership of his Executive Council

and from there to the Governorship of a province (other than the three Presidencies) senior members of the Indian Civil Service look to him. He also appoints Chief Commissioners. He thus has a large amount of patronage in his hands. This patronage is one of the factors which have enabled him to dominate his Council.

There are several powers of an administrative nature which he exercises in relation to the legislature. He summons, prorogues and dissolves the chambers of the legislature, and can extend their term under special circumstances. He fixes the time for holding fresh elections and can also remove some disqualifications which prevent some voters from standing for the legislature. He can also send messages to the legislative chambers, require the attendance of their members to hear him, and send bills back for their reconsideration. He can stop the proceedings of any chamber on any Bill or clause of a Bill, if he thinks that discussion on it is likely to affect in a prejudicial manner the peace and tranquility of the realm. He can disallow questions of a certain character from being asked and resolutions from being moved. The introduction of bills of a certain character requires his previous sanction. Before the passing of the Act of 1919 he used to preside over the meetings of the Legislative Council. This power has been taken away from him now. It may also be stated that as the head of the administration he has the power of refusing assent to any bill passed by the legislature, central as well as provincial. This veto power is real and not nominal like that which belongs to the King of England. He can also reserve certain bills for His Majesty's pleasure. Mention should also be made of his power of nominating a certain number of officials and non-officials to the central legislature.

2 *Financial Powers* — In the financial field the Governor General has two very important and vital powers. No proposal for levying taxation on the people, and no proposal for spending money for any purpose called a *demand for grant*, can come up before the legislature except on his recommendation. Secondly, he possesses the vital power of restoring any grants refused or reduced by the legislature, and authorising on his own initiative any emergency expenditure which may be considered necessary for the safety and tranquility of British India by him.

3. *Legislative Powers* — Besides the powers of an administrative character he possesses in relation to the legislature as described above, the Governor General of India is armed with special powers of legislation to which there is no parallel except in dictatorial states. One of them is the power of *certification* granted to him for the first time by the Act of 1919. When either chamber of the legislature refuses leave to introduce a bill or fails to pass it in a form recommended by him and he is of opinion that the passage of the bill is essential for the safety, tranquility or interests of British India or any part thereof, the Governor General can certify to that effect and it shall become an Act merely by his signature. It means that the Governor General has the power to put on the statute book an Act which has been definitely rejected by the legislature containing the elected representatives of the people. The Princes' Protection Bill was certified in this manner in 1922. Again, the Finance Bill had to be certified on several occasions in later years. Another positive power of legislation was granted to him by the Act of 1919. This is the power to promulgate Ordinances for the peace and good government of the country. An Ordinance may be defined as a legislative measure made by the head of the executive in his executive capacity. It has the force of law to the same extent as any Act passed by the legislature, but it cannot remain in force for more than six months after which it can be renewed for a similar period. This power is granted to enable the Governor General to meet emergencies such as those created by the movements of Civil Disobedience launched by the Congress. Even at the present time the country is being governed with the help of ordinances.

It was considered necessary to arm the supreme executive with legislative powers, because the Government of India is responsible to the Secretary of State and not to the Indian Legislature, and must therefore be put in a position to administer the affairs as the Secretary of State desires, irrespective of the wishes of the people.

The Executive Council—The Act of 1919 made some changes in the composition of the Executive Council of the Governor General. Firstly, it removed the limit on the number of its

members which was put by the Consolidation Act of 1915. Under a provision of the Act of 1919 it became possible for His Majesty to increase the strength of the Council without parliamentary enactment. Until the expansion of the Council in 1941 under the stress of the World War and the situation in the country, it contained eight members including the Governor General. Secondly, the Act modified a previous rule about the qualifications of the Law member, and made pleaders of Indian High Courts of at least ten years standing legible for appointment. Thirdly, it abolished the distinction between ordinary and extraordinary members. As a consequence thereof the Governors of Provinces were not allowed to sit as extraordinary members when meetings of the Council were held in their respective provinces. The Commander-in-Chief became an ordinary member with rank and precedence next to the Governor General but without the right to be appointed as its Vice-President.

The Act of 1919 does not lay down qualifications for all the members of the Executive Council. It retains the old rule that three of them must have served in India under the Crown for at least ten years. It is a very important provision. It means that three executive councillors must in practice be recruited from the ranks of the Indian Civil Service. It thus stands in the way of the Council being transformed into a body of responsible ministers without an amendment of the Act. According to another rule one member must be a Barrister of England or Ireland or an Advocate of Scotland or a pleader of an Indian High Court of not less than ten years standing. The qualifications of the other members were left to be determined by rules made under it.

There is nothing in the rules to necessitate, as there is no bar to the appointment of Indians as executive councillors. It is as much possible that all the members may be Indians as that none of them may be so. In actual practice however, from 1921 when the Act was enforced, there had been three Indians on the Executive Council till October, 1941. One of them was always a Mohammedan. Their number was increased to eight in 1941 when the Council was expanded. The key departments of Finance, Home Affairs, and Defence, however, have always been held by Britishers.

It is the relatively less important departments like those of legislation and education which have been entrusted to the charge of Indians

From the days of Lord Canning the Council has been working on the portfolio system. Each member is put in charge of one or more departments for whose administration he is held responsible. The executive councillor is thus an administrator also. In ordinary routine matters pertaining to his department or departments he has the final voice, he himself disposes them off. Important matters he decides after consulting the Governor General. They need not come up before the meeting of the Executive Council as a whole, where generally only such matters are discussed as touch and affect the departments of two members, or when it is proposed to overrule the decision of some provincial government. A member who has been overruled by the Governor General may also bring the matter before it. When differences of opinion exist decisions are usually arrived at by a majority of votes; the Governor-General or the Vice-President who may be presiding in the absence of the former, having a casting vote as the president. It must not be forgotten that whenever he thinks that the opinion of all or a majority of the councillors is wrong or harmful to the interests of British India and prejudicial to its safety and tranquility the Governor-General can even override his Council and make a decision on his sole initiative and responsibility. Though this power is rarely used, its presence tends to make the councillors less tenacious in maintaining their points of view. Members of the Council are appointed for a five year term by His Majesty on the advice of the Secretary of State for India who would naturally attach great weight to the recommendations of the Governor General. Their salaries are fixed, and are not subject to the vote of the legislature. They are responsible to the Secretary of State who alone can remove them from office. They are not expected to resign, and they do not resign, on an any vote of no confidence, direct or indirect, passed by the Indian legislature. The central executive is not in the least responsible to or removable by the legislature. In this important matter the Act of 1919 left it absolutely untouched.

The Governor General-in-Council was empowered, subject to

the restrictions imposed by the Secretary of State in Council, to purchase, sell and mortgage property, and borrow money. The same authority could declare any part of British India as backward and make special arrangements for its administration, take any part of British India under its own immediate authority and management and alter the boundaries of provinces. It could also constitute legislatures for Commissioners' or Governors' provinces, alter the local limits of the jurisdiction of Indian High Courts and appoint additional judges to them for a period of not more than two years. Except in cases of emergency it could not declare war, commence hostilities or enter into treaty with any State or Prince in India without the express order of the Secretary of State for India.

The Present Position.— The Act of 1935 proposes great and fundamental changes in the constitution and powers of the federal executive which is to take the place of the Governor General in Council. But as the Indian Federation has not yet come into existence, the Governor General in Council continues to function as the supreme executive authority of the Government of India, though with diminished powers of control and superintendence over the provincial governments. With the introduction of provincial autonomy in 1937 in accordance with the provisions of the Act of 1935, the executive authority of the Governor General in Council does not extend to subjects included in the provincial and concurrent lists. To the extent and in spheres in which control has been transferred to the people of a province, the government of the latter is not subject to the control and authority of the Governor-General in Council. This authority cannot now alter the boundaries of a province or form any new province.

As has been hinted earlier in this section, the Executive Council of the Governor General has undergone great expansion in response to the national demand for the establishment of a national government in the country, with a view to creating interest in and enthusiasm for the allied cause in the War and speeding up the war effort. The British Government did not establish any real *national* government as was demanded by the people, but proposed to increase the number of Indians in it so as to place

them in a clear majority over the non-Indian or British members. The old Council consisted of eight persons of whom only three were Indians. The new Council was composed of 13 members of whom eight were Indians. To provide room for the new members some of the old portfolios were divided and a few new ones created. This expansion took place in October, 1941. There has been a further extension since then. A new department of Post-War Reconstruction was created last year. At present (1945) the Council consists of 16 members.

Prior to the expansion, the various portfolios were divided amongst the eight members in the following way: (1) The Governor General and Viceroy—the foreign and political department and the Indian States; (2) the Commander-in-Chief—army and defence; (3) the Home Member—police, jails, law and order, matters pertaining to the I C S, and internal politics; (4) the Finance Member—finance, currency, banking and exchange; (5) Communications Member—railways, roads, inland navigation, the posts and telegraph, civil aviation and broadcasting; (6) the Member for Commerce and Labour—industries, insurance, mines, labour etc; (7) Law Member—the legislative department; and (8) the Education Member—education, health and lands.

The present Council consists of the following sixteen members:—

[1] The Governor General, [2] the Commander-in Chief, [3] the Home Member, [4] the Finance Member, [5] the Law Member, [6] the Education Member (they hold charge of their old departments respectively), [7] the Member for War transport, [8] the Member for Supply, [9] the Member for Civil Defence, ports and air, [10] the Member for Information, [11] the Member for Labour, [12] the Member for Food, [13] the Member for Commerce, Industries and Civil Supplies, [14] the Member for Commonwealth Relations, and [15] the Member for the newly created department of post-war economic development. The sixteenth member does not hold charge of any department. He represents India at the War Cabinet. The five most important and vital departments namely, the Foreign and Political department, the Army and Defence department, the Home Department, the Finance department and Railways (War transport), are held by British members.

Indians have been put in-charge of the relatively unimportant departments. It may also be noted that the Executive Council has one Secretary and one Superintendent. Both these posts are held by Britisheis.

The Relation of the Governor General to his Executive Council—The enlargement of the Executive Council and the appointment of nine non-official Indians, several of whom had a fine record of public service to their credit, did not satisfy the Indian National Congress or the country at large, the steps were not deemed to constitute any advance towards the establishment of a *national* government. The reason is two fold. In the first place, what the nation demanded but was not conceded was the responsibility of the executive to the legislature. The expanded Council remains responsible to the Secretary of State. It is not responsible to the Indian legislature even to the smallest degree. In the second place, the national demand was that the Governor General should treat his Council as a Cabinet by whose advice he should be guided. Even this modest demand was not conceded by the British Government. The Governor General continues to dominate his Council and is still armed with the power of over-riding its majority decisions.

Several factors have combined to make the position of the members of the Council weak in relation to the Governor General. The latter is immeasurably superior to the former in his social status and legal powers, and he enjoys the privilege of direct communication with the Secretary of State. The members of the Council recruited from the ranks of the Civil Service grow up in an atmosphere of deference to authority, and since they look forward to promotion as Governors of Indian Provinces, appointments to which offices are usually made on the recommendation of the Governor General, they cannot adopt a very bold and independent attitude *vis à vis* the Governor General. His great social status, legal powers and the patronage at his disposal tend to put the Governor General in a position of great vantage in relation to his Executive Councillors. So long as the Governor General enjoys great political patronage and the members of the Executive Council are eligible for and look forward to

appointment as Governors of British Indian Provinces, the former will continue to dominate the latter

There is another factor also which tends to reduce the position of an Executive Councillor in charge of a department in relation to the Governor General. Immediately subordinate to the former there is an officer known as the Secretary to the Government for every department. He is in charge of the departmental office and is required to attend on the Governor General usually once a week and discuss with him all the important matters arising in the department. He can lay before him any matter about which there is a difference between him and the executive councillor in charge of the department. He has also the right of bringing to the notice of the Governor General any matter where the latter's concurrence is deemed necessary. He is allowed to be present at the meetings of the Council to furnish any information that may be necessary. It is important to remember that the Secretary is not attached to the member under whom he works; he is Secretary to the Government.

In this connection it should also be noted that the members of the Executive Council need not, and as a matter of fact they do not, hold similar views on political problems, they might subscribe to different political creeds. The Council is thus not a cabinet, it is not a politically homogeneous body. The members are not appointed *en bloc* and do not vacate their offices simultaneously. They are appointed at different times and retire after five years, unless the term is extended. The cumulative effect of all these things is to exalt the Governor very much over the members of the Executive Council.

The Governor General and the Secretary of State — Before concluding the foregoing review of the nature and powers of the central executive in the country it seems necessary to add a few words about the relation between the Governor General and the Secretary of State for India. Constitutionally the former is subordinate to the latter and is required by law to pay obedience to all orders he might receive from him. In her royal proclamation of 1858, Queen Victoria directed the Governor-General of the time to be subject to all such orders and regulations as he might receive,

from time to time, from her Secretary of State for India. The Act of 1919 also empowers the Secretary of State to 'superintend, direct and control all acts, operations and concerns which relate to the Government or revenues of India'. All this clearly implies that in case there is a difference of opinion between the Secretary of State and the Governor General-in-Council, the opinion of the former will, in theory, prevail, and the latter must either accept his verdict or resign. The Secretary of State is thus distinctly the superior authority, and the Governor General is subordinate to him.

In actual practice, however, the relations vary with the individuals concerned. If, on the one side, strong Secretaries of State like Lord Salisbury and Lord Morley enunciated and acted upon the theory that the Government of India are the agents of the Government in England, on the other hand, there have been powerful and influential Governors General also who have almost regarded the Secretary of State 'as the convenient mouth-piece of their policy in Parliament'. As has been observed by the author of the Montford report: 'there have been times when the powers of the Government of India rested actually far less upon the support of the Cabinet and parliament than on the respect which its reputation for efficiency inspired. The hands of the Government of India were strong, and there was little disposition to question the quality of their work, so long as it was concerned chiefly with the material things, and the subtler springs of action which lie in the mental development of a people were not aroused'. The theory of 'the man on the spot' and the fact that the Secretary of State is situated at a distance of several thousand miles from the country whose affairs he is expected to direct and control tend in the direction of allowing the Government of India a greater amount of independence than a strict interpretation of the letter of the law would appear to permit.

It has to be admitted that the control of the Secretary of State over the Governor General and the Governor-General-in-Council is real and great. It is exercised in many ways, visible and invisible. The invisible methods which are not always known to and understood by the outside world include private and confidential communications which the Governor General does not always disclose to the members of his Council. That all projects of

legislation should have the previous assent of the Secretary of State and that all variations in taxation and all measures affecting the revenues of the country should be similarly placed before him, and other requirements of a similar nature constitute the direct and visible method by which he controls and directs the Government of India

Such a control makes the position of the Government of India awkward in their relation to the Central Legislature which contains a very large majority of elected non-official members. It often brings them into direct conflict with the legislature which may, as has sometimes happened, reject the measures introduced by the Government. The theory of the subordination of the Indian Government to the Secretary of State might have been necessary at a stage when the legislative councils were mere advisory bodies with official majorities, it is certainly incompatible with the existence of a legislature with an elected majority and an area of work which is large enough to make the position of the Government difficult. It results in the rejection of important measures like the Finance Bill and their subsequent certification by the Governor General.

The Central Legislature.—The Act of 1919 made several and important alterations in the constitution, composition and powers of the Indian legislatures, central and provincial. Here we shall deal with the central legislature only.

The central legislature was made bicameral. In place of the old Supreme Legislative Council two legislative chambers were brought into existence, the lower and more democratic body was styled the Legislative Assembly and the upper and oligarchic body was known as the Council of State. This was a radical change. The second chamber was introduced to act as a check upon the lower house which was to contain a definite elected majority of not less than five-sevenths. In the second place, the size of the legislature was considerably enlarged. The Legislative Assembly was to consist of 140 members with the provision for increasing the number of its members by means of rules, and the Council of State was to contain not more than sixty members. Actually the Assembly contained 145 members. The central

legislature thus came to contain 205 persons in place of the sixty members of the Supreme Legislative Council as constituted under the Act of 1909. In the third place, the Governor General ceased to be the presiding officer of the legislature and therefore its member also. But he continued to be its integral part. It should be borne in mind that according to the Act of 1919 the central legislature consists of the Governor General and the two chambers as named above. In the fourth place, the old idea of having an official majority in the central legislature was given up. For the first time, an elected majority was introduced in it. Even the Council of State was given an elected majority. Lastly, larger financial and deliberative powers were conceded to it in order to make the Government of India more susceptible to the force of public opinion, but without introducing the principle of responsible government. In short, we may state that with the idea of making the executive more liable to be influenced by popular sentiment and increasing the indirect influence of the legislature, the legislative machinery was completely overhauled. It was considerably enlarged, democratised, and larger powers were granted to it.

Let us look a little more closely into its constitution and powers. We shall first describe the composition of the two chambers and then discuss their powers and functions.

✓ **The Legislative Assembly.**—This is the lower and more popular or democratic chamber of the central legislature. As it was constituted before the separation of Burma from India, its total strength was 145 of whom 105 were elected, and of the remaining 40 nominated members 26 were officials and 14 non-officials. After Burma was separated, her representatives ceased to be its members, and at the present time it consists of 102 elected non-officials, 20 nominated officials and 19 nominated non-officials. The elected seats are distributed province-wise as follows: Madras, Bombay and the United Provinces 16 each, Bengal 17, the Punjab, Bihar and Orissa 12 each, C P and Berar 6, Assam 4, Delhi, Ajmer-Merwara and the N W F Province one each. Muslims were given separate representation through communal electorates. A number of seats were reserved for Europeans. Apart from Mohammedans and Europeans, special constituencies were created for landlords and Indian Commerce. The seats are thus distributed amongst

the various communities and interests. The Muslims have 30 seats, the Non-Muslims (generally Hindus) 49, Europeans 8, Landlords 8, Commerce 4, and Sikhs 2. The Depressed Classes, Anglo-Indians, Christians, and Labour were given representation through nomination. The 20 nominated officials include most of the members of the Executive Council of the Governor General and some members of the central and provincial Secretariates. It would thus appear that it is not the Indian nation as a whole which finds representation in the Legislative Assembly but the diverse communal, racial, economic and official interests. The presence of these diverse elements prevents the growth of political parties on sound lines. The franchise for the Assembly is generally based on property qualifications which are not uniform throughout the country. They vary not only from province to province, but sometimes also in the same province according to the wealth of the people. The idea is to vary the minimum to suit local conditions so as to establish really similar conditions in all the constituencies. Generally speaking a person who pays income tax, or pays land revenue or rent above a certain minimum or municipal tax above a fixed minimum is qualified to become a voter.

In the United Provinces a person is entitled to have his name enrolled as an elector to the Central Legislative Assembly if he resides within the constituency, and subject to the general qualifications in regard to age, religion, condition of mind, etc., satisfies any one of the following requirements —

He should be assessed to income-tax, or to municipal tax on an income of not less than Rs 1000/- per annum, or should be the owner or tenant of a house having a rental value of not less than Rs 180/- per annum, or be the owner, under-proprietor, tenant or sub tenant of land in respect of which land revenue or rent amounting to not less Rs 150/- per annum is payable. In the hill pattis of Kumaon this amount of land revenue or rent is reduced to Rs 25/- per annum.

A person can become an elector for the U P Landholders constituency if he owns land in respect of which land revenue amounting to not less than Rs 5000/- is payable.

The tenure of the Assembly is three years though the Governor

General has the power to dissolve it earlier than the expiry of its full term as well as the power to extend its term. This power has been exercised year after year since 1937, with the result that the Assembly constituted in 1934 is still functioning in 1945. The Assembly elects its own President subject to the approval of the Governor General. So far, the Governor General has accorded his approval to all the persons whom the Assembly has elected as its president from time to time. As to what is to happen if he were to withhold his approval in any particular case, the statute is silent. The Assembly also elects a Deputy President to take the chair in the absence of the President.

The Council of State—This is the upper chamber of the central legislature and is less democratic and more oligarchic in character. Like the Assembly it also contains elected persons, nominated officials and nominated non-officials among its members. Their number was 33, 27 and 10 respectively before Burma was separated. The elected seats are distributed among the various provinces and also between various interests. Out of the 33 elected members 16 are non-Mohammedan, 11 Mohammedan, 1 Sikh, and 3 European Commerce representatives. The United Provinces sends three Hindus and two Muslims to the Council of State. Its term is five years, but the Governor General can extend it, or dissolve the house earlier. The Council of State has not been given the privilege of electing its president, who is appointed by the Governor General. Till very recently the President was invariably an official, but at the present time a non-official holds this office. At present (1945) the Council of State consists of the nominated President, 12 nominated officials, 12 nominated non-officials, and 31 elected non-officials.

The franchise for the Council of State is very much higher than that for the Assembly and is therefore extremely restricted. In the elections of 1925 the total number of votes for the whole of British India including Burma was 32,126 of whom not less than 15,555 were in Burma. So that the 32 members were elected by about 17,000 voters spread throughout the length and breadth of British India minus Burma. The position did not change to any appreciable extent in the elections held in 1930. Persons paying income-tax on an income of not less than Rs 30,000 per year or

persons who pay not less than Rs 2000/- a year as land revenue are qualified to vote. In addition persons who hold the title of Mahamhopadhyaya or Shams-ul-Ulema, or who have been members of the Senate or Court of a University in India, or who have been the president or vice-president of a Municipal or District Board, or who have been members of a legislative body in the country are also qualified to become voters. Women are not eligible to become voters or members. The result of a very high property franchise is that the Council of State is an oligarchic and therefore a conservative body. It has been generally opposed to measures of a liberal character passed by the Assembly. For example, it gave its approval to the doubling of the Salt Tax which was rejected by the Assembly, in 1923 it also passed the Princes' Protection Bill which had been thrown out by the popular chamber. On all occasions on which there has been a conflict between the popular Assembly and the bureaucratic Government, the oligarchic and conservative Council of State has invariably sided with the latter. Popular opinion in the country has always looked with disfavour and suspicion on the creation of such a reactionary second chamber which usually acts as the death-chamber of public hopes and aspirations.

Powers of the Legislature — The powers enjoyed by the Central Legislature may conveniently be classified under three heads: Legislative, Financial, and Administrative. Except in the sphere of finance, the Council of State has equal and co-ordinate powers with the Legislative Assembly. In financial matters the Assembly has the exclusive right of voting the demands for grant made by the Government.

(1) *Legislative Powers* — The Central Legislature has the power to make laws for all things and persons, places, and courts in British India and for all subjects and servants of the Crown within other parts of India on subjects mentioned in the central list. It is also empowered to legislate upon certain provincial subjects like irrigation, high courts, factory and labour legislation where uniformity of legislation throughout British India is deemed essential. With the previous sanction of the Governor General it can also legislate upon other provincial subjects. This means that although normally its legislative activities are concerned with central subjects,

it has concurrent jurisdiction over the provincial field also. It is not constitutionally debarred from undertaking legislation upon a provincial subject. Under the Act of 1935, the Federal Legislature can legislate upon subjects mentioned in the Provincial List under emergent conditions only.

Unless otherwise provided, no measure can have the force of law and can be enforced by law courts, if it is not duly passed by both the Houses. In order to become law a measure must be passed by the Assembly and the Council of State in the same form and receive the assent of the Governor-General. A Bill passed by one House and rejected by the other or passed by it with amendments to which the other House does not agree, cannot be presented to the Governor-General for his assent unless it is certified by him. In other words, the two Chambers have concurrent and equal powers of legislation.

It should be remembered that the central legislature has a limited and restricted legislative competence. It is not a sovereign law-making body. It cannot alter, amend or repeal the constitutional law of the land, or make any law affecting the Royal Family or succession to the throne or derogating from any prerogative right of His Majesty to grant special leave to appeal to the Privy Council. It cannot make any law, without the previous express authority of the British Parliament, which might affect the power of the Secretary of State for India to raise money on behalf of the Indian Government in the British market, or which seeks to empower any court other than a High Court to sentence to death any of His Majesty's subjects born in Europe or the children of such persons, or abolish a High Court. Further, no bill which affects the public debt of India or imposes a charge upon the Indian revenues, or which affects the religion or religious rites or usages of any class of British subjects, affects the discipline of the army or deals with relations with foreign states or Indian states, or which affects any ordinance made by the Governor-General, can be introduced in the legislature without the previous sanction of the Governor-General. Lastly, the Governor-General can refuse his assent to any Bill passed by the legislature. A High Court in British India or the Privy Council can declare void any law passed by it.

(11) *Financial Powers* — The annual estimates of expenditure

are simultaneously laid before both the Houses and discussed thoroughly. But the right of voting supplies is the exclusive privilege of the Assembly. The various demands for grants are not placed before the Council of State for its assent. It should be remembered that even the Assembly's vote is not sought on each head of expenditure. The budget is divided into two portions, votable and non-votable. The Assembly can discuss and vote only on items called votable. It cannot vote on the non-votable items though the Governor-General may permit it to discuss some of them. The main non-votable items of expenditure are the salary and allowances of the Governor-General, pensions of the judges of the High Court, monies required for the foreign and political department, and the expenditure on defence, salaries and pensions of persons appointed by the Secretary of State, public debt and sinking fund charges. About 75% of the total expenditure is non-votable. If doubt arises whether any particular item is votable or non-votable, the decision of the Governor-General is final. It has been the practice on the part of the Governor-General to throw the army expenditure open to discussion but not for the vote of the Assembly.

No proposal for expenditure can come up before the Assembly except on the recommendation of the Governor-General. The Assembly can either refuse a demand for grant or reduce it, it cannot increase or transfer it. It is open to the Governor-General to restore any demand which has been either refused or reduced by the Assembly if he thinks such restoration necessary for the discharge of his responsibilities. During the period the Montford Reforms have been in operation, some of the demands cut or refused by the Assembly have been restored, while others have not been. It would thus appear that the financial powers of the Assembly are narrow and circumscribed by the power of veto possessed by the head of the executive. This is because it is one of the fundamental features of the Reform scheme that the authority of the Government of India must remain indisputable in essential matters and it must remain responsible only to the British Parliament.

After the demands have been voted, the Assembly takes up the question of finding ways and means for meeting the expenditure. All proposals for raising the necessary revenue by

means of taxation or borrowing must come from the executive. They are embodied in the form of the Finance Bill. It must be first introduced in the Assembly. After it has been discussed and passed by it, it is referred to the Council of State for its acceptance like other legislative measures. Both the Houses have the power to amend or reject the Finance Bill. They can reduce or reject any taxation proposal, but cannot increase the tax or propose any new one. The taxation proposals rejected or reduced by the legislature can be restored by the Governor General.

It is important to note that the Act of 1919 did not give equal financial powers to the Council of State. It was empowered to discuss the budget and the financial policy of the state, it could consider and pass or reject the proposals for raising the revenues. But it was not given the important power of granting or withholding supplies. The power of voting on the demands for grants was the exclusive privilege of the Assembly only. The Act of 1935 removes this difference and gives to the Upper Chamber equal and co-ordinate powers in the matter of granting supplies. This is a highly retrograde step.

(iii) *Administrative Powers* — Nowhere does the legislature administer the affairs of the State; what it can do is to exercise supervision and control over the executive organ. In countries enjoying responsible form of government the legislature controls the executive through its power over the purse, by means of resolutions, votes of censure or by no-confidence, adjournment motions, and interpellations and supplementary questions. Though the Act of 1919 does not make the executive responsible to the legislature in any way, it has given to the latter opportunities of influencing the working of the former in several ways. The manner in which the Assembly and the Council of State exercise influence over the Government of India through their financial powers has been already examined. We shall only add this much that the occasion of voting on the various demands for grants can be well utilised for a general scrutiny of the administration of the various departments, as well as for a discussion of the general policies followed by the government. The legislature has also the right to move resolutions on matters of public importance and discuss them thoroughly. In our country, such resolutions passed by the Assembly

or the Council do not possess any binding force, they are mere recommendations which the Government may or may not give effect to. For example, the Assembly might pass a resolution asking the Government to make primary education free and compulsory and set apart a crore of rupees for the purpose each year, or it might urge the Government to Indianise the army. The Government may take no steps to implement the resolutions which thus might remain quite dead. This is because the Executive is responsible to the Secretary of State and not to the legislature. Such resolutions have, however, the value of indicating public will to the Government. Motions of no-confidence or censure are also a very direct means of expressing disapproval of the actions and policies of the Government, e.g., the manner in which the Defence of India Act is being administered to the great inconvenience of the public can be made a subject of censure motion, or the Assembly could show its want of confidence in the Government by censuring it for the continued detention without trial of popular leaders like Jawahar Lal Nehru and Abdul Ghasfi Khan and Maulana Azad. Motions of adjournment are interded to draw the attention of the Government to any matter of urgent and public importance, e.g., the firing resorted to by the police in dispersing a peaceful crowd may be made the subject of an adjournment motion. Lastly, the legislature seeks to control the executive by means of interpellations or questions. They are chiefly useful for exposing the misdeeds of the government or giving publicity to its abuse of power as well as for getting information on questions of public interest. The central legislature has got the right to ask questions, move motions of adjournment and no confidence, and pass resolutions. The Governor-General can prevent from being moved, a resolution or a question from being asked, if he thinks that such a step is prejudicial to public safety. The President also can disallow a question if he thinks that it constitutes an abuse of the member's right. It may also be noted that a member who wishes to move a resolution must give at least 15 days' notice. A question requires only 10 days' notice. In special cases the time may be reduced. These are called short notice questions. If the answer to a question be ambiguous, vague or indefinite, members have the right to ask supplementary questions. The day's work begins with the asking'

of questions. The one hour devoted to it each day is a very lively and interesting period

Conflict between the two Chambers — It has been stated above that a bill can be presented to the Governor General for his assent only when it has been passed in the same form by both the chambers. After having been passed by the originating chamber, the bill is sent to the other house. If it passes it without making any amendments, it goes straight to the Governor General. But if, as it generally happens, it makes some changes in it, it is sent back to the originating chamber for the consideration of those amendments. In case it accepts those amendments, there is no difficulty, and the measure is sent to the Governor General for assent. But if one house rejects the measure passed by the other, or makes radical alterations in it not acceptable to it, a deadlock arises, which, if not solved, proves fatal to the Bill. Unbridged differences between the two chambers mean that the bill lapses. The Act provides three different methods of removing the differences. They are Joint Committees, Joint Conferences, and Joint Sittings. A Joint Committee is not intended so much to compose differences which have arisen as to prevent such differences from arising. When a Bill is introduced in a Chamber, before it is referred to an appropriate committee or taken up for the second reading, a resolution may be passed appointing a Joint Select Committee and inviting the other Chamber to nominate some of its members to it. The Joint Committee may anticipate differences and try to remove them. When differences have arisen between the two Chambers, they may agree to a Joint Conference consisting of an equal number of members from both of them at which an amicable settlement may be arrived at. The third method is that of a Joint Sitting of the two Houses which can be convened by the Governor General alone by notification in the Gazette. The President of the Council of State presides at such a sitting, and decisions are taken by a majority of votes. The decision of the Joint Sitting will be taken to be the decision of the two Chambers.

There is also another method of saving a measure from lapsing because of differences between the two chambers. This is the process of *certification* by the Governor-General. This happens

in cases where the executive is keenly interested in placing a measure on the statute book. Let us take the case of the Princes Protection Bill. The Government introduced it in the Assembly which threw it out. The Governor-General sent it on to the Council of State with the recommendation that it may be passed in the form in which it stood. The Council was obliging and passed the Bill. It was again sent to the Assembly which once again rejected it. The Governor-General then exercised his power of certification and placed it on the statute book. A certified Bill has to be reported to the Parliament and cannot take effect until it receives the assent of His Majesty. Many a time the Finance Bill had to be certified in this way.

The Governor-General's Powers of Legislation.— While describing the legislative powers of the central legislature it was pointed out that 'unless otherwise provided no measure can have the force of law and be enforced by law courts if it is not duly passed by both the houses'. The recourse to certification by the Governor-General to which reference has been made in the preceding paragraph is one of those ways in which law might be made without the concurrence of the legislature. Promulgation of ordinances by the Governor-General is another method of the same type. The Act of 1919 empowers the Governor-General to issue ordinances having the force of law without consulting the legislature at all.

PROVINCIAL GOVERNMENTS

Introductory — It will be recalled that the Act of 1919 was passed by the Parliament to give effect to its policy towards India which was enunciated by Mr. Montague in his historic pronouncement of August 20, 1917. The policy is that of increasing association of Indians in every branch of Indian administration with a view to the progressive realisation of self-government in British India. As it was the declared aim of Mr. Montague and Lord Chelmsford, the joint authors of the report on which the Act of 1919 was based, that the Government of India must remain wholly responsible to the Parliament and its authority in essential matters kept unimpaired, we have seen that all that the Act of 1919 achieved with respect to the Central

Government was only to enlarge the legislature, make the lower house a little democratic, and give the legislature greater powers of *influencing* the executive but without in any way making the latter responsible to the former. But the changes introduced by the Act in the constitution of the provincial governments in the country were more vital and radical. This is because 'The provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.'* This means that the authors of Montford Reform Scheme wanted to establish responsible government in the provincial sphere but it was not to be complete and full. The transfer of political power to the people was to be partial only. This intention was realised by the institution of that novel type of government which is popularly known as Dyarchy. The Act of 1935 abolishes dyarchy and establishes full responsible government, limited of course by the special powers of the provincial Governor.

Meaning of Dyarchy. — Dyarchy literally means dual or double government. It implies the division of government into two sections or parts, one distinguished and separate from the other. Under it the provincial subjects† were divided into two groups. Local self-government, education, sanitation and public health, hospitals, dispensaries and asylums, provision for medical education, public works like roads and buildings, development of industries, agriculture, civil veterinary department and excise duties on alcoholic liquors and intoxicating drugs were classed as *transferred* subjects. They were to be administered by the Governor acting with his Ministers who were responsible to the provincial legislature. The ministers were generally to be appointed from amongst the elected members of the legislature and were answer-

* Para 189 of the *Joint Report*, page 124.

† See *supra* pages 13 and 17.

able to it for their actions and policies. Land revenue, famine relief, irrigation, water supplies and water power, forests, administration of justice, police and prisons, factories and labour problems, and what are called agency functions were known as *reserved* subjects. They were to be administered by the Governor with the help of his executive councillors who were not answerable to the legislature for their administration and were responsible to the Secretary of State. The executive councillors whose number was not to exceed four were appointed by His Majesty, but in actual practice by the Secretary of State. Half of them were to be Indians, and at least one was to be a person who had been in the service of the Crown in India for not less than twelve years. In other words an executive councillor was to be a Senior I C S man. The provincial executive thus consisted of two parts - the Governor acting with his ministers, and the Governor acting with his executive councillors. The ministers and the executive councillors were to be appointed in different ways and by different authorities. The ministers were responsible to the legislature and removable by it, the executive councillors were neither answerable to nor removable by it. The first constituted the popular half and the second the bureaucratic half of the government. The two halves were expected to consult each other, and at times they did so, but the responsibility for the administration of the transferred subjects was that of the ministers exclusively and for that of the reserved subjects, of the executive councillors.

The number of ministers was not the same in all provinces. Some provinces had three ministers and some two. The North Western Frontier Province where the dyarchical scheme was introduced in 1932 had only one minister. The ministers were not constitutionally required to work on the principle of joint responsibility, they did not form a *ministry* and had no corporate existence. It was not necessary that they should enter office and go out of it together. The number of executive councillors also was not the same, the bigger provinces like Madras and Bengal had four each, Bombay, U P, Bihar and others had two each, while N W F P had only one. The relation of the Governor to his Executive Council was similar to that of the Governor General and his Council. His powers and functions in the provincial sphere were

also similar to those of the Governor General in relation to the Government of India. He could override his Council and also take action otherwise than in accordance with the advice of his ministers. As a wholly new type of executive has been set up in the provinces according to the Act of 1935, we need not go more into details of the working of Dyarchy.

Provincial Legislature — The Act of 1919 introduced important changes in the composition and functions of the provincial legislatures. They were materially enlarged, made more democratic by lowering the franchise, and constituted into an independent organ of the government of the province with larger powers. Each one of the Governor's provinces had a unicameral legislature styled the Legislative Council. Its strength varied from province to province. Bengal had the largest Council with 140 members, Madras and the United Provinces came next with 132 and 123 respectively. Assam had the smallest legislature with 53 members. Each contained three types of members, elected non-officials which constituted not less than 70 % of its total strength, nominated officials who could not be more than 20 % and a few nominated non-officials to give representation to the depressed classes, industrial labour and such other interests as were not given direct representation through election. The principle of communal representation was not only retained but extended to the Sikhs, Indian Christians, Anglo-Indians, and Europeans, and special seats were allotted to Indian and European commerce, landlords and universities. The introduction of representative government was accompanied by separate representation of rival interests and communities, even though the latter was admitted to be a very serious hindrance to the growth of self-governing institutions.

The United Provinces Legislative Council consisted of 100 elected members, 17 nominated officials and 6 nominated non-officials. The Madras Legislative Council had 98 elected, 11 nominated officials, and 23 nominated non-official members. Each Council had a life of three years and could elect its own presiding officer after the expiry of the first four years.

The powers of the Legislative Councils were enlarged. They were empowered to legislate 'for the peace and good government of the

province', subject to certain limitations, and given greater control over the administration through interpellations, adjournment motions, resolutions and the power to vote supplies. The provincial budget was separated from the central budget and could be discussed by the legislature. The items of expenditure were classed into votable and non-votable. The latter comprised nearly 75 % of the total expenditure. Even with regard to the votable items the Governor had the right to restore any reduction, etc., made by the legislature, provided he deemed the expenditure essential for the discharge of his responsibilities.

The Governor was given the power to certify a measure which the Legislative Council had refused to pass but which was necessary, according to him, for the proper administration of a reserved subject, and so putting it on a par with bills passed by the legislature. It should be remembered that the bills passed by the provincial legislatures required the assent not only of the Governor but also of the Governor General. They were prohibited to legislate on certain subjects, and the previous sanction of the Governor General was required for the introduction of bills on some other topics. The legislative powers of the provincial legislatures were thus limited. They were in a position to influence the administration of the reserved subjects in the same way and to the same extent as was the central legislature *vis à vis* the Government of India, but had greater powers of controlling the actions and policies of the ministers.

HOME ADMINISTRATION OF INDIAN AFFAIRS

Introductory — From the time the East India Company acquired political power in this country, its administration of Indian affairs was controlled by the Board of Directors and the Court of Proprietors. The British Parliament did not exercise any control over the affairs of the Company in India or over its authorities in England. It was only when the time for the renewal of the Charter arrived that Parliament appointed Committees to investigate into Indian affairs and make recommendations. In a previous chapter we have traced the different Acts passed by the British Parliament which gradually built up the structure of government in this country. There it was shown how the British Government set up a Board of Control to superintend, direct and control all acts regarding the civil and military government of Indian

territories. The Board of Control and its President were the precursors of the present agency in England which looks after the administration of Indian affairs.

When the Crown assumed direct responsibility for the administration of India in 1858 and the East India Company was abolished, Her Majesty Queen Victoria created a new post, that of the Secretary of State for India and transferred to him all the functions and duties previously discharged by the Court of Directors and the Board of Control. At the same time a body called the India Council was set up to assist and advise the Secretary of State for India. The controlling authority in England thus came to be known as the Secretary of State for India in Council. Changes in the constitution of the India Council have been made from time to time. Here we shall not attempt any description of the powers and functions of the Secretary of State and his relations with the India Council which will be discussed in the next chapter, but shall note the main changes introduced by the Act of 1919

The Act of 1919 left the powers of the Secretary of State over the Government of India theoretically unchanged and unimpaired. It reiterated that he has the power to superintend, direct and control all acts, operations and concerns relating to the government of India's revenues. But since it provided for the partial transfer of political power to the people in the provincial sphere and made the popular half of the provincial executive responsible to the provincial legislature, and since such responsibility is incompatible with the control of the Secretary of State and responsibility to the Parliament, the Act empowered the Secretary of State to make rules to restrict the exercise of his power to superintend, direct and control to the extent it may be necessary in order to give effect to the purposes of the Act, *i e*, mainly in regard to the administration of transferred subjects. In so far as the Governor accepted and acted on the advice of his ministers, the control of the Secretary of State was relaxed. It should also be remembered that though the Act did not introduce any degree of responsible government in the centre and left the responsibility of the Government of India to the Secretary of State and the Parliament wholly unimpaired, it was also its wish that as

far as possible the Government of India should take the opinion of the central legislature and carry out its wishes, particularly in financial matters pertaining to the votable items of the budget. To that extent the control of the Secretary of State over the Government of India was in practice relaxed in favour of the legislature

The Act also made a few other changes in the Home Administration. The most important of them related to the salary of the Secretary of State. Till the passing of the Act of 1919 it was being paid out of Indian revenues. The practice was bad and prevented the Parliament from criticising the administration of the Secretary of State at the time of annual appropriations. The Act laid down that it should be paid out of the monies provided by the Parliament and thus brought him under the control of the Parliament to a greater extent. The second change it effected was the separation of what have been called *Agency* functions of the Secretary of State from his other duties and transfer them to a new official called the High Commissioner for India. In the third place, it reduced the number of the members of his India Council. It was to consist of not less than eight and not more than twelve as the Secretary of State might determine. The term of office of its members was reduced from seven to five years. Their salary was fixed at £ 1200/- a year, and an extra annual allowance of £ 600 was granted to those members who were domiciled in India at the time of their appointment. The number of Indian members of the Council was raised from two to three.

Working of the Montford Reforms — It may not be out of place here to supplement the foregoing account of the main features of the Government of India Act of 1919 with a short review of its working.

There can be no denying the fact that even though the Act did not satisfy the national demand as embodied in the Congress-League scheme— it had demanded that the provincial legislatures should have full authority to deal with all matters affecting the internal administration of the provinces including the power to raise loans and impose and alter taxation, and some degree of responsibility in the centre, and other things besides— it *did* constitute a distinct advance on what existed before.

The Act had for the first time officially declared that the goal of British policy in India was the realisation of responsible Government. This idea had been foreign to the structure of British Government in India before 1919. By enlarging the central and provincial legislatures with elected majorities and giving them greater opportunities of influencing the executive, by increasing the number of Indians in the executive councils of the Governor General and the Provincial Governors, and by throwing open Chief Justiceships of High Courts to Indians, it made an attempt to Indianise the administration to some extent. Above all, it effected the much needed devolution of authority to the provincial Governments. They were freed to a large extent from the control of the Government of India in legislation, finance and administration. Reference to this aspect of the Reforms has been already made.

Though Indian leaders were not very much satisfied with the Reforms as was shown by their criticism particularly of the absence of responsibility at the Centre, they were not hostile in their attitude and were prepared to work them for what they were worth. But the passing of the Rowlatt Bills in the teeth of popular opposition, and the tragedy enacted at Amritsar by General Dyer and its condonation by the British authorities changed the whole political atmosphere in the country. The Reforms were launched under the most unfavourable circumstances †. In place of goodwill and friendliness which would have made the Reforms a success, there was the feeling of bitterness, estrangement and distrust which foredoomed its failure. The internal situation was complicated by the dismemberment of Turkey and the abolition of the Khilafat at the conclusion of the last Great War. The result of all these factors was that the Congress under the leadership of Mahatma Gandhi decided to have nothing to do with the working of the Reforms and started the country-wide movement of Non-co-operation. The slogan in the country was 'Boycott the Councils'. Congressmen did not seek election to the reformed legislatures in 1921. On the contrary they set up dummy candidates like barbers, sweetmeat-sellers, etc. The Moderates did not join the Congress in

† See above pages 177—82, Part I

boycotting the Reforms, they entered the Councils, accepted office as Ministers and carried on work for the first term of three years with some success. The next elections were contested by the newly formed Swaraj Party with the declared intention of wrecking the Reforms. They were successful in ousting the Moderates and were returned to several provincial legislatures in large numbers. In two provinces they were able to prevent the ministers from functioning. Later on the party changed the tactics as they found that they could not wreck the scheme, but never accepted office. This had a rather unfortunate effect. Deprived of the backing of a large number of elected members, the ministers leaned more and more for support on the nominated bloc, thereby turning ministerial responsibility into a farce.

Of far more importance in making Dyarchy a failure was the attitude of the Governors towards their ministers. If transfer of power to the popular ministers is to have any meaning, the Governor should become in relation to the ministers a constitutional head. He should usually accept their advice and not treat them as mere advisers whose advice he is free to accept or reject. The Act gave them the power of over-ruling the ministers only in exceptional cases. For the first two years of the working of the Reforms when the country was engaged in the first non-violent struggle for freedom and the Government needed the help of the Moderate Ministers to crush the movement, the Governors treated them with respect and allowed their views to prevail. But at a later stage when Mr. Montague had left the India Office and a reactionary Secretary of State had succeeded him, the spirit changed, the Governors forgot that they were expected to function as constitutional heads in the administration of the transferred subjects and began to assume more and more powers, and over-rule their ministers even in ordinary matters. One of them went to the length of claiming that 'the minister's function in law was merely to advise'. Into the story of how this was achieved this is not the place to enter.

Another cause of the failure of the Reforms is to be found in the relations between the ministers and the executive councillors. The intention of the Joint Parliamentary Committee as well as that of Mr. Montague was that the two halves should hold joint

consultations This was not encouraged. In some provinces the ministers were not consulted even on measures of importance pertaining to the reserved departments. It may also be added that the provincial subjects were divided into transferred and reserved in such a manner that a minister was never in the control of the whole of any single department. A Madras minister complained before the Muddiman Committee that he was Minister of Agriculture minus irrigation and minus Agricultural Loans Act and the Agricultural Land Improvement Act The Minister for Industries had no control over factories, water-power, electricity, etc Without control over the whole department it was impossible for the minister to achieve any substantial improvement in its administration The way in which division was made between the transferred and the reserved subjects militated against successful administration of the former

Other conditions necessary for the realisation of ministerial responsibility in the transferred half of the government also were not present. There was no desire on the part of the Governors to encourage the *collective* responsibility of their ministers on which the authors of the Reforms Scheme had laid such great stress On the contrary they framed the rules of business on the assumption that the Governor had to deal with each minister separately This tendency became particularly manifest after the first two years of the working of the Reforms. The presence of a solid bloc of official and nominated members together with representatives of certain interests who habitually sided with the Government, also seriously militated against the enforcement of responsibility of the ministers by the elected majority. 'The size and permanence of the official *bloc*, and the special interests which are bound to support the executive at all times, seriously restrict the value of a majority in the Legislature as an expression of popular confidence Responsibility to majority consisting mainly of this *bloc* is not responsibility to popular representatives but to official nominees' The result of this and the vesting of the Leadership of the House in an Executive Councillor was to make the Ministers 'subordinate administrators taking their orders from the Governor and depending for their existence on the good graces of their colleagues'*

* Keral Futra Working of Dyarchy in India, page 57

As a matter of fact, many ministers did not feel that they were responsible to the legislature. The Raja of Pungal, the Chief Minister of Madras, declared in a speech that he was appointed by the Governor and was responsible only to him. Little wonder that the Swarajists did not care to accept ministries under such conditions. The experiment of partial responsible government failed. 'The intention of Parliament and the purpose of the Act was thwarted by the rules made by the Government of India and by the Governors, and by the constitutional practice established in the Provinces by the civilian administrators who were in charge of them'*

Two other causes of the failure of dyarchy may be briefly referred to. One was the position of the Finance Department which was a reserved subject under the control of a non-Indian executive councillor. It exercised an effective control over all new expenditure and put cold water on all the schemes of improvement as suggested by the ministers and which involved fresh expenditure. The ministers thus were unable to carry through the schemes they had promised to the people. The second was the position of the Services. The ministers were given no authority over the members of the Imperial Services in their departments in regard to their promotions, transfers and disciplinary action. Their authority remained undiminished and impregnable and therefore the reformed legislatures and the ministers had little effective power.

Though for the various reasons noted above the Reformed Councils were unable to enforce popular responsibility on the ministers, they made fairly good use of their powers in other directions. By their power over the purse, however restricted in scope and however limited by the power of certification possessed and sometimes used by the Governor, by their power of moving resolutions on important policies of the State and raising discussions on them, moving motions of adjournment to call attention to problems of an urgent public nature and asking questions, they exerted some influence on the executive. They also passed some important legislation of a progressive and liberalising character. On assuming office the ministers turned their attention to the much-needed

* *Ibid*, page 60

reform of local bodies, and in several provinces Acts were placed on the statute book which resulted in the reorganisation and democratisation of the municipal and district boards. Education was also attended to. In some provinces social legislation of a far-reaching nature was passed; *e. g.*, the Hindu Religious Endowment Act of Madras and the Children's Act of Bengal.

Similar observations may be made about the work of the reformed Central Legislature. Though the executive was not at all made responsible to it, it was given large powers of influencing it. And it used them to good purpose. 'It has been critical of the attitude of the Government. It has on occasions used its powers for purposes of political demonstration. But no impartial critic who studies its debates and estimates its work, can fail to come to the conclusion that it has used its powers for the benefit of the people with reasonable regard to the difficulties of the Government and the anomalous position of a non-sovereign Executive. Its legislative work has been far-reaching and comprehensive, its influence in matters of administration has not been directed either towards a weakening of the Central Government or exercised without consideration for the supreme necessity of maintaining law and order. Its enthusiasm for social reform has been praiseworthy and it has been assiduous in its demand for Indianisation of the services and for a share in the national defence. It has effected considerable retrenchment in administration and has continuously impressed on the Government the necessity of economy.'^{*}

Chapter X

FEDERALISM IN INDIA

Introductory.—The constitution outlined in the Government of India Act of 1919 was meant to be a transitional stage on the road to full responsible government. It was to be followed by another instalment of reforms. The grant of further reforms was to be preceded by an investigation into the working of the Act of 1919. It had laid down that at the expiry of ten years after its passing a statutory

^{*} Kerala Putra, *op. cit.*, pages 108—109.

Commission would be appointed 'for the purpose of inquiring into the system of Government, the growth of education and the development of representative institutions in British India and matters connected therewith', and to report 'as to *whether* and to *what extent* it is desirable to establish the principle of responsible government or to extend, *modify* or *restrict* the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not necessary' Accordingly, and even before the expiry of the stipulated period of ten years, the Tory Government of England announced early in November 1927 its decision to send a Royal Commission to India for the aforesaid purpose. The Commission presided over by Sir John Simon visited India twice, and after touring the country and holding consultations with such bodies of Indians as cared to extend their co-operation to it, in spite of the nation-wide agitation against it and the decision to boycott it, it made its recommendations to His Majesty's Government in 1930. There was great agitation in the country against the Commission and its recommendations were universally condemned. To allay the discontent the Labour Government, which had followed the Conservative Government, decided to convene a Round Table Conference in England consisting of representatives of His Majesty's Government and representatives of British India and the Indian Princes to discuss the future constitution of the country. The Round Table Conference held three sessions between 1930 and 1932, only the second of which was attended by Mahatma Gandhi as the representative of the Indian National Congress.* On the basis of the decisions arrived at by the R T C, but not necessarily containing all of them, the Government of Great Britain published its proposals for the future constitution of India in the form of a White Paper in 1933. A Joint Parliamentary Committee of both the Houses of British Parliament was appointed to consider the Government proposals presented in the form of a Bill and suggest changes if necessary. A number of Indian delegates were also associated with the J P C in their work. This Committee further whittled down the proposals made by the Government, and in some respects made its report more reactionary than the White

* For a detailed account of the R T C, see *first Part, Chapter V*, pages 190—99

Paper itself, though it did not depart from its main principles. The Report of the Joint Select Committee was further considered by Parliament which made further concessions to the opponents of Indian aspirations. The result of all these labours extending over eight long years from 1927 to 1935, was the passing of the Government of India Act of 1935 by the British Parliament whose nature and chief provisions we shall describe and discuss in this and the following chapters.

The Basic Features of the Act.— One of the most vital and fundamental provisions of the Act of 1935 is the proposal to establish a new polity in which the British Indian Provinces and the Indian States shall be united on the federal principle. Though India is one of the greatest geographical units in the world and possesses psychological and cultural unity to a marked degree, politically she is divided into two distinct parts, British India and the Indian States which have sometimes been said to constitute Indian India. The two parts radically differ, one from the other, in political organisation and advancement. So far during the British period they have never formed part of one and the same political entity. It is the merit of the Act of 1935 to have outlined a federal polity in which the whole of India shall stand united. It is true that the federal idea has not yet materialised and that the federal scheme stands indefinitely suspended at the present time. But this does not mean that the application of the federal principle to India has been abandoned. It may be hoped that a new and better federal scheme would be forthcoming whenever the constitutional question is taken up for solution.

Since a federation pre-supposes a number of independent or autonomous units which unite under a common government for the achievement of some common interests, it became necessary to split up British India, which had been under a strong *unitary* government since the Regulating Act of 1773, into a number of autonomous political units. The Act therefore replaces the unitary by the federal form of Government and converts the British Indian Provinces into autonomous units deriving their authority direct from the Crown and no longer subject to the control of the Government of India as the political subdivisions of the country. The establishment of provincial autonomy may thus be regarded

as the second main feature of the Act of 1935, the first being the proposal to create an All-India Federal Polity

Indian opinion had long been insistent on the introduction of responsibility in the Central Government. One main reason of dissatisfaction with the Montford Reforms was that they did not concede this demand. The Act of 1935 makes good this deficiency to a certain extent. It transfers all the subjects included in the federal list except Foreign Relations, Defence, Ecclesiastical Affairs and Tribal Areas* to the control of a Council of Ministers responsible to the federal legislature. The four reserved subjects are to be administered by the Governor General in his discretion. It thus introduces Dyarchy in the federal sphere, though this term does not occur anywhere in the Act. Partial Responsibility at the Centre : this is the third main feature of the Act.

The transfer of political power to the people's representatives both in the Provinces and the Centre (partial in the latter sphere) is hedged in by reservations and safeguards. The safeguards are as great a feature of the Act as the introduction of full responsibility in the Provinces and partial responsibility in the Central Government. They will be described in detail at a later stage. Federation and provincial autonomy, central responsibility and safeguards thus constitute the basic and fundamental principles of the Act.

It may be stated that the Act does not in any way derogate from the sovereign authority of the British Parliament over British India. The right to amend, alter or repeal the constitutional law remains vested in Parliament. The Act separates Burma from India and also Aden from Bombay, and creates two new provinces, namely Sind and Orissa.

Meaning of Federalism — As the Act of 1935 proposes a federal in place of the unitary constitution for the whole of India, it is necessary to define the two forms and distinguish the one from the other. A State is called *unitary* in which the entire governmental authority is exercised from one centre, in which there is one supreme legislature to legislate for the whole territory,

* To these four we should also add Railways, the Reserve Bank, currency and exchange.

one supreme executive to administer the affairs of the whole realm, and one supreme judiciary for all the citizens. It has but one sovereign authority to which the people render undivided allegiance. In it the people have one citizenship. Great Britain, Japan, pre-war France, Italy and Germany are among important states having the unitary form of government. India before the introduction of the Act of 1935 also had a unitary government. In the case of England Parliament legislates for the whole of the United Kingdom, similarly the Cabinet is responsible for the peace, order and safety of the whole realm. The British people have one citizenship, that of Great Britain, and one loyalty, that to their King. In a Federation many hitherto independent states join together to form a new state. They retain many of their sovereign powers and surrender some of them to the new government that comes into existence as a result of their union. There thus come into being more than one legislature, more than one executive and more than one judicial organ, each supreme in its allotted sphere. The powers of government are exercised not from one common centre but from many and different centres. The United States of America is one of the best examples of a federal state. At the present time it is a union of 48 States, each of which is sovereign in its own affairs and has its own executive, its own legislature and its own judiciary. The legislature of each State makes laws for its citizens, the executive enforces them, and the law courts interpret and apply them. In addition to these 48 different legislatures, executives and judiciaries, there is one Federal Legislature called the Congress which makes laws for the whole of the Union, 'but only with regard to those subjects which the federating units have agreed to surrender to it, one Federal Executive, and one Federal Judicial organ to enforce, interpret and apply the laws made by the Congress. The citizens of each State, say New York, have to obey two sets of laws, one made by the legislature of their own State and the other made by the Congress, they have to obey the orders of and pay taxes to two Executives, one the Executive of their own State, and the other, that of the Federation. In the same way they have two different sets of courts to which to take their law suits, suits of one description go to the law courts established and

maintained by the State, and suits of a different character are taken to the law courts established by the Federal Government. They have a double citizenship and a double loyalty, they are citizens of their own States and also of the United States of America, and owe allegiance to the governments of both. A Federation is thus a union of independent and autonomous States. They unite together either for the promotion of common economic interests or for the amicable solution of common problems, but generally it is done to protect themselves from a common external danger. What led the American States, which had thrown off the British yoke, to band themselves together, was the fear of British aggression and the desire to maintain their newly won freedom.

Under the Act of 1919 British India had a unitary constitution. Each of the Governor's Provinces had its own legislature and executive, but none of them was supreme. The various provincial legislatures and executives were *subordinate* to the Government of India which alone was supreme for the whole country. There was no such thing as the citizenship of the United Provinces or of the Punjab, all Indians were alike citizens of British India. With the establishment of Provincial Autonomy under the Act of 1935 all this has changed. Now the Provincial Governments are not the *agents* of the Government of India, they derive their authority not from the Government of India but direct from the Crown. The Central Legislature has no right to make laws on subjects included in the Provincial List except in cases of emergency, and the Acts of a provincial legislature no longer require the assent of the Governor-General. The residents of the United Provinces are the citizens of U P, and also of India. It must not be understood that the proposed Indian Federation is perfect or that it resembles in all respects the American Federation or any other Federation. It is a unique federation and has no parallel.

Distribution of Powers — It was said above that in a federal union the citizens of a federating state have to obey two sets of laws, one made by their own state legislature and the other made by the federal legislature. This means that the Constitution has clearly demarcated the federal from the state sphere, assigned

some subjects to the federation and made the federal legislature the sole and sovereign authority to legislate upon them, and others to the federating units giving their respective legislatures the right to legislate upon them for their respective citizens without any interference on the part of the federal legislature. Federalism essentially involves such a distribution of powers between the federal government and the governments of the federating units. There can be no federal constitution without it. There are two ways in which the totality of governmental powers may be divided between the government of the federation and those of the units. The powers which the units agree to surrender to the federal government may be positively named, and the whole of the unspecified remainder is then left to the units. In other words, the powers of the former are positively determined, those of the latter negatively so. This is the American plan. The other method is to specify the powers of the federating units and leave the unspecified residue to the federal government. Here the residuary powers belong to the federal government. This plan was adopted in Canada in order to make the central government strong. In India neither of these two usual methods has been adopted. Nationalist opinion headed by the Indian National Congress wanted to name positively the powers assigned to the Provinces and leave the residue to the Federal Government with a view to making the Centre strong. The Muslim League did not want a dominating centre but desired powerful units, and therefore insisted upon specifying the powers of the Centre and leaving the remainder to the Provinces. British Imperialism agreed with the national view but did not want to displease the communalists, and so adopted a novel plan. The Act of 1935 enumerates the subjects allocated to the Federal Government in the Federal List, and enumerates the subjects allotted to the Provinces in a second list called the Provincial List. It thus specifies the powers of both the federal and the federating governments positively. There is also a third list called the Concurrent List. Both the federal and the provincial legislatures have concurrent powers to legislate upon subjects included in this list. An effort has been made to exhaust all the subjects of legislation and include them in the one or the other of the three lists. In case a subject is discovered which does not find place in any of the

lists, it is the Governor General who determines whether it falls within the competence of the Federal or of the Provincial Legislature. The question of residual powers was settled in this novel way.

The Federal Legislature alone has the power to legislate upon the subjects mentioned in the Federal List. They are 59 in number. The more important of them are the following: His Majesty's naval, military and air forces borne upon Indian establishment, naval, military, and air force works, external affairs, ecclesiastical affairs, currency, coinage and legal tender, public debt of the Federation, posts and telegraphs, including telephones, wireless, broadcasting etc., and the Post Office Savings Bank, Federal Public Services and Public Service Commission, the Imperial Library and the Indian Museum, the Benares Hindu University and the Aligarh Muslim University, survey of India, ancient and historical monuments, census, federal railways, maritime shipping and navigation, major ports, aircraft and air navigation, light-houses, copyright and inventions, cheques and bills of exchange, arms, fire-arms and ammunition, explosives, opium, petroleum, development of industries, labour in mines and oil-fields, insurance, banking, custom duties, excise duties on tobacco and other goods manufactured or produced in India except alcoholic liquors, Indian hemp and other narcotic drugs and medicinal and toilet preparations, corporation tax, salt, state lotteries, income-tax, taxes on capital, succession duties, terminal taxes, taxes on railway fares and freights. These are subjects essential and vital for the existence of the Federation and concern India as a whole. It is necessary that there should be a uniform policy with regard to them.

Subjects which are essentially of a provincial nature, i.e., which concern the Provinces more than the Federation and about which there need be no uniformity of treatment throughout the whole country are included in the Provincial List. The Provincial Legislatures have exclusive jurisdiction over them. Under normal circumstances the Federal Legislature cannot legislate upon any of them, though in cases of emergency it might do so with the previous sanction of the Governor General. The Provincial List contains 54 subjects, the more important of which are the following

public order and administration of justice, constitution of all courts except the Federal Court , police, prisons and reformatories , public debt of the Province ; Provincial Public Service and Provincial Public Service Commission ; provincial pensions , land acquisition , provincial libraries, museums etc , provincial elections , local self-government ; public health and sanitation ; hospitals, dispensaries, and registration of birth and death ; education , communications , irrigation and canals ; agriculture ; land tenure and agricultural loans ; weights and measures , development of industries in the province , trade and commerce within the province , unemployment and poor relief , theaters and cinemas , co-operation ; land revenue ; excise duties on alcoholic liquors for human consumption, opium, and medicinal preparations, taxes on agricultural income , taxes on land and buildings , succession duties in respect to agricultural land , capitation taxes, taxes on professions, trades and employment , taxes on animals , taxes on advertisements and sale of goods , taxes on luxuries, entertainments, betting, gambling etc ; and tolls . An amendment of the Act added taxes on the consumption or sale of electricity, and Universities except those of Benares and Aligarh to the list

There is a third list also called the Concurrent List . It contains in all 36 subjects arranged in two parts . The following are some of the more important items of part I of the List : criminal law , criminal procedure , civil procedure , evidence and oaths ; marriage and divorce and adoption, transfer of property and registration of deeds and documents, wills, intestacy and succession ; trusts and trustees , contracts , bankruptcy and insolvency , non-judicial stamp duties , legal, medical and other professions , news-papers, books and printing presses , poisons and dangerous drugs , mechanically propelled vehicles , boilers , European vagrancy and criminal tribes. The following are included in part II : factories ; welfare of labour, provident fund for labour, unemployment insurance , trade unions , industrial and labour disputes , electricity , inland shipping and navigation , detention of persons under federal authority , and sanctioning of cinematograph films for exhibition

The Concurrent List contains subjects which are essentially of provincial interest but require a uniform policy and treatment

throughout India Both the Federal and the Provincial Legislatures are competent to legislate on them, the latter may vary the federal legislation to suit their varying requirements

The student must clearly understand that a clear-cut distinction between subjects which are to be administered by the federal government and those which are to be administered by the governments of the federating units is indispensable for a federal constitution No party can make any alteration in the scheme of distribution as sanctioned by the constitution, change can be effected only by a constitutional amendment No party can invade the sphere of the other, the governments of the units cannot legislate upon federal subjects and the federal legislature cannot deal with any provincial or state subject Though under the Act of 1919 also a distinction was made between central and provincial subjects, it had nothing of a federal character about it, the central legislature had the right to make laws about a subject which was classed as provincial, and a provincial legislature could similarly legislate for its own territory on any subject even though it was classed as central The statutory allocation of exclusive legislative powers to the federal and provincial legislatures under the Act of 1935 thus stands in sharp contrast with the legislative relations between the centre and the provinces under the Act of 1919

Salient Features of the Indian Federal Scheme.— The federal constitution outlined in the Government of India Act of 1935 has many features which distinguish it from other federal constitutions Most of them are due to the fact that the impulse and motive towards federation come not from the people but from an external source—the British Government 'The Federation in India is the result partly of the political evolution of British India, partly of the desire of the States to play a part in the constitutional progress of the country and to get their rights in relation to the Paramount Power definitely clarified and defined, and mostly of the anxiety of the British Government to secure steady, stabilising and conservative elements before granting some responsibility at the Centre' * It will be recalled that nationalist India had been agitating for long for responsible government at the Centre, and that the Act of 1919 did not concede any responsibility there The

* Joshi *The New Constitution of India*, page 91

British Government refused to commit itself to the proposition that the R. T. C. was being convened for the purpose of framing a Dominion constitution for India. This led the Congress to stay away from its first session and launch the struggle for Swaraj. The intensity and volume of the sufferings undergone voluntarily and cheerfully by the people in their non-violent campaigns for freedom might have led the British Government to the conviction that the transfer of power to the people in the Government of India could not long be delayed. But what really produced a great change in the attitude of British statesmen towards Central Responsibility and made them think of it as within the range of practical politics and not as some distant and far-off ideal, was the willingness of the Indian Princes to join the proposed Indian Federation. The former at once realised that the association of the Princes with the Federation would furnish to the Government at the Centre a much needed stabilising and conservative factor. With a strong bloc representing the Princes in the federal legislature, British interests would be pretty safe and secure, and power could be transferred to the people without much misgiving. This enables us to understand the British insistence on the establishment of the Federation as a condition precedent to the grant of central responsibility and the accession of a number of States to the Federation before it can become a fact.

This also explains another prominent feature of the Indian Federation. Whereas other federations have been the result of a process of uniting hitherto independent states, in our country the creation of Federation has meant the breaking up or splitting up of the unitary British India into autonomous provinces and then uniting them with such Indian States as might care to join. Though politically India was and is still divided into two different parts, economically and for purposes of defence and foreign relations she has long been one single unit. The purposes which have normally led to federalising elsewhere are, none of them, present in this case, and the motives which have been operative here have had no precedents in the world. The proposed Indian Federation is unique in this respect.

It has several other distinguishing traits. Its units are not of the same status and character. British Indian Provinces enjoy a

measure of democratic government, their citizens have many civic and political rights and elect their representatives in the federal legislature, directly to the one and indirectly to the other chamber. The Indian States have nothing in the way of democratic government, in them more or less undiluted personal rule prevails. Their citizens do not enjoy the same civic and political rights and do not have any share in the choice of the representatives of the States in the federal legislature. In the Indian Federation two dissimilar types of units are sought to be united.

The Indian Federation is to be brought into existence by the Crown. It is not to come into existence as the result of any agreement or contract between the federating units themselves. The British Indian Provinces or their people are not to determine what States should be taken into the union and on what conditions. All this is to be settled by the Crown. It should also be noted that whereas the range of federal powers is the same in regard to British Indian Provinces, it varies in the case of the States acceding to the Federation. Nothing like it is found in any other federation. We have already drawn attention to the fact that the scheme of distribution of powers between the federal government and the governments of the units has no parallel in the world.

The political dependence of India accounts for some other features of the proposed scheme. The process of amending the federal constitution has been made very rigid and complex. The power is vested in the British Parliament. In some most important and vital matters the States who join it can put serious difficulties by not agreeing to the proposed amendments. The relation of the States to the Paramount Power remains outside the Federation. They shall have direct dealings with the Crown, a right denied to the British Indian Provinces.

The constitution outlined in the Government of India Act is the longest and most complex constitution in the world. The Act has 321 sections and ten schedules. Some of its provisions do not deal with problems really constitutional but with questions of an administrative character, e.g., sections dealing with commercial safeguards, provisions against discrimination, constitution of the Reserve Bank and the Federal Railway Authority. There are

other features also but they relate to subordinate problems *e. g.*, the constitution of the Chambers. They shall be referred to at appropriate places.

Establishment of the Federation.— The Act of 1935 merely provides a federal structure for India but does not itself establish the Federation. The reason is that the proposed Federation requires the accession of a number of Indian States to it, and the Act could not make any State its member. It only prescribes the manner in which a State may accede to the Federation and sets out the constitutional consequences of accession. It also states how the Federation can come into existence. Section 5 lays down that the Federation of India is to be constituted by a Proclamation made by His Majesty, from a date mentioned therein. Before His Majesty can make the Proclamation, two conditions have to be fulfilled : (i) An address in that behalf must be presented to the King by each House of Parliament, (ii) Rulers of States representing not less than half of the total population of the States and entitled to not less than half of the seats allotted to the States in the Upper Chamber of the Federal Legislature, *i. e.*, 52 seats, must have signified their assent to join the Federation. The establishment of Federation is thus ultimately made dependent on the requisite number of Indian States joining it. The reason is that the British Government are not prepared to grant responsibility at the Centre unless a stabilising and conservative element is introduced in the Federal Government which would act as a bulwark against radical tendencies likely to come into operation with the entrance of progressive element from British India. Since for some reasons the Indian States have not yet expressed their willingness to accede to the Federation, it has not been established. As already pointed out the scheme stands indefinitely suspended.

Accession of the States to the Federation.— Since the actualisation of the Federal scheme is made dependent upon the States entering the Federation, we may conveniently at this stage study the procedure by which the accession may be effected. According to Section 6, the Ruler of a State who wants to enter the Federation has to execute what is called an 'Instrument of Accession'. Therein he declares his willingness to accede to the Federation,

and he binds himself and his heirs and successors to accept the authority of the Governor General, the Federal Legislature, the Federal Court or any other Federal Authority to exercise such functions in relation to his State as may be vested in them by the Act. The Federal Authority can be exercised only for the purposes of the Federation and with regard to such subjects only as are enumerated in the Instrument of Accession. The range of Federal power can be enlarged but not restricted by a subsequent instrument duly executed. The Instrument of Accession must be accepted by His Majesty in order to be valid. The King may reject any Instrument if it is not in proper form. The Joint Parliamentary Committee suggested that all the Instruments of Accession should be similar in form though the list of subjects accepted as Federal by States might not be identical in all the cases. So far the Rulers of Indian States and His Majesty's Government have not been able to come to any agreement about the form of the Instrument or the conditions on which the former are to federate, though they have been the subject of discussion for several long years.

It is interesting to observe that while the States desirous of joining the Federation have been given the freedom to choose the subjects the power to legislate concerning which they surrender to the Federal Legislature, no such liberty has been conceded to the British Indian Provinces which have been made units of the Federation compulsorily.

It may also be stated in passing that the Federal Legislature shall have nothing to do with the accession of the States for the first twenty years after the establishment of the Federation. After that period all requests for accession must be sent through the Governor General who would not forward any of them to the King unless an address is presented by both the Chambers to the King that the State may be admitted.

The consequences of joining the Federation on the powers of the Princes will be examined in the Chapter dealing with Indian States.

Chapter XI

THE FEDERAL GOVERNMENT OF INDIA

Introductory.— We have seen that the provision for the establishment of the Indian Federation is the outstanding feature of the Act of 1935. The Federation is to consist of the eleven Governors Provinces, six Chief Commissioners' Provinces and such Indian States as may accede to it, it is to be brought into existence by a Royal Proclamation.

The executive authority of the Federation is to be exercised by the Governor General on behalf of the King. He will have a Council of Ministers to help and advise him in the administration of what may be called the *transferred* subjects, and three Counsellors to aid him in administering the *reserved* subjects. The legislative authority is vested in the Governor General as the representative of the Crown and two Chambers respectively known as the Council of State and the House of Assembly. For the interpretation and protection of the Constitution and to adjudicate upon disputes between the Federation and its units or between the units themselves, provision is made for the creation of a Federal Court. For the administration of federal railways the Act provides for the creation of a statutory Federal Railway Authority, and for the maintenance of the financial stability of the Federation and the control of currency and credit, including the issue of bank notes, the establishment of a Reserve Bank was made an indispensable condition of the Federation. The Reserve Bank started its operations in 1935, and the Federal Court began its work on October 1, 1937. The other federal organs have not been brought into existence yet. In this chapter the composition, functions and powers of the different organs will be briefly discussed.

THE FEDERAL EXECUTIVE

The Governor General — The executive power and authority of the Federation is vested in the Governor General as the representative of the King, who is to exercise it on behalf of His Majesty either directly or through officers subordinate to him. Before describing the modes in which this executive authority is

to be exercised, it is necessary to look into its extent. It covers (a) all matters with respect to which the Federal Legislature has the power to make laws, (b) to the raising in British India on behalf of the Crown of naval, military and air forces and the governance of His Majesty's forces whose expenses are met out of Indian revenues, and (c) the exercise of rights possessed by treaty, usage or any other lawful means in relation to tribal areas. The executive authority does not extend in any province to matters with respect to which the Provincial Legislature has the power to make laws, save as expressly provided in the Act. In the States it extends only to those matters in respect of which the Federal Legislature has been given the power to make laws by the Instrument of Accession and in so far only as it is not reserved to the State concerned. It should be remembered that the executive authority of the State even with regard to subjects coming within the scope of the Federal Legislature remains unless it is expressly excluded by the Instrument of Accession. Here is another difference between the States and the Provinces of British India so far as the scope of the Federal Executive authority is concerned. European forces enlisted and enrolled outside India are outside the jurisdiction of the Federal Executive.

It should be observed that as a result and with the establishment of provincial autonomy the scope of the executive authority of the Government of India over the Provincial Governments has very much diminished. Unless some special responsibility of the Governor General is involved, he is not to interfere in the administration of the subjects included in the Provincial List. This stands in sharp contrast to what prevailed under the Act of 1919.

Besides being the head of the civil administration, the Governor General has also the supreme command of the military, naval and air forces in India. But this command is rather nominal, the real authority lies with the Commander-in-Chief who is appointed by His Majesty and exercises such functions in relation to the armed forces of the Federation as may be assigned to him.

In addition to the executive authority and power vested in

him by the Constitution as the Head of the Federal Executive, the Governor General also exercises such prerogative powers of the Crown as His Majesty may be pleased to grant to him provided they are not inconsistent with the Act ; *e. g.*, the powers of conferring decorations and honours and the grant of commissions in the Indian Army. It may also be added that the office of the Governor General as the representative of the Crown in relation to the Federation is distinct from the office of His Majesty's representative as Viceroy in relation to the States; and it is open to His Majesty to appoint two persons to hold these two high offices or to give charge of both to one person only. At the present time both the offices are held by one and the same individual.

The Governor General is appointed by the King on the advice of the Prime Minister on an annual salary of Rs. 250,800. He also receives a number of allowances fixed by the King-in-Council. The total amount the country is required to spend on him comes to about eighteen lakhs a year. No other official in the world gets such a high salary and allowances. During his absence on leave the Acting Governor General shall receive the same salary and allowances as the Governor-General. All these sums are a charge on Indian revenues; they are exempt from the vote of the Legislature.

Different Modes of Exercising Executive Authority.— Under the Act of 1919 the entire executive authority of the Government of India was vested in the Governor General in Council who was responsible to the Secretary of State and not to the Legislature. It could be exercised in one way only. But under the Act of 1935 a complex situation has arisen. Some power has had to be transferred to the people and some retained in British hands. The executive authority of the Federation vested in the Governor General must therefore be exercised in ways more than one. In so far as there is transfer of power to the people's representatives, the Governor General has to act in one way, in so far as he is not to be guided by their wishes he has to act in a different way. The entire field of federal government is thus divided into two parts, one is the sphere of ministerial responsibility and the other is reserved to the Governor General. Four of the subjects specified in the Federal List, namely, foreign relations, defence, ecclesiastical affairs and

tribal areas are to be administered by the Governor General himself. For their administration he is responsible to the Secretary of State; he is not constitutionally bound to consult his ministers. They cannot legally complain if he ignores their existence. Since it is impossible for a single individual to administer such important and big departments, the Act allows the Governor General to appoint not more than three Counsellors to help and advise him in their administration. The salaries and conditions of service of the Counsellors are to be laid down by the King-in-Council. Each one of the Counsellors will be an ex-officio member of both the Chambers of the Federal Legislature to represent his department. He will have the right to take full part in debates but not the right to vote. The Instrument of Instructions issued to every Governor General at the time of his appointment directs him to consult his Council of Ministers in the administration of the Defence department. In the administration of the four reserved departments the Governor General is said to act *in his discretion*. There are other important and vital matters also where he is entitled to act *in his discretion*. Some of them will be enumerated later on. The Governor General is said to act in his discretion when he takes decision on his own responsibility and is not required by law to consult his ministers. In other words, the sphere where he is to act in his discretion lies outside the scope of ministerial responsibility. Whenever he so acts, the Governor General is responsible to the Secretary of State and through him to the British Parliament.

The remaining federal subjects are to be administered by the Governor General with the help and advice of his Council of Ministers. The Council of Ministers is to contain not more than ten persons. The Ministers are to be chosen and appointed by the Governor General, they are to hold office during his pleasure and may be dismissed by him at his discretion. The Instrument of Instructions prescribes the manner in which the Governor General is to appoint his Council of Ministers. It directs him to appoint them in consultation with a person who is most likely to have a stable majority in the Legislature, i. e., in the same way in which the King of England chooses

his Cabinet. Though neither the Act nor the Instrument of Instructions directly makes mention of the office of Prime Minister or Premier, the person who is expected to have a stable majority in the Legislature and on whose advice the Council of Ministers is to be selected—he can be none other than the leader of the majority party in the Lower House—will function as one. The Governor General is also directed by the Instrument of Instructions to encourage the spirit of collective responsibility of the Council of Ministers and also to include in it members of important minority communities and the representatives of the States. As to how these two seemingly inconsistent requirements are to be fulfilled, the Instrument is silent. The Ministers would naturally be appointed from among the members of both the Houses of the Federal Legislature. A minister ceases to hold office if for a consecutive period of six months he is not a member of either House of the Legislature. The salaries of the Ministers are to be determined by an Act of the Legislature and are not to be varied during their tenure of office. This means that the Legislature has been deprived of the valuable right of proposing a cut in the salary of a Minister as a motion of no-confidence in him. The salaries are not to be annually voted. Nevertheless, the ministers are responsible to and removable by the Legislature. Unlike the present Executive Councilors and the Counsellors under the Act of 1935 they will have to answer for their policies and actions before the Legislature. They would be bound to give effect to the declared wish of the Legislature in their administration of the departments subject to their control. According to the letter of the law it is the duty of the Governor General to allocate the portfolios to them, but in actual practice it is expected that it would be done by the Prime Minister. The Governor General may preside at the meetings of his Council of Ministers in his discretion.

As far as the administration of the transferred subjects is concerned, the Governor General is legally bound to consult his Ministers, but in certain cases where he has special responsibilities, the Act empowers him to dissent from their advice and act as he thinks proper. In such a case he is said to act *in his individual judgment*. The Act gives him the power to act in his individual judgment in some 32 cases. The distinction between the Governor

General acting *in his discretion* and the Governor General acting *in his individual judgment* must be clearly understood. When he acts in his discretion he need not consult the Ministers, such matters lie outside the field of ministerial responsibility. Where he is empowered to act in his individual judgment, he is required by law to consult his Ministers but is not bound to accept their advice. These subjects lie within the area of ministerial responsibility but constitute the special responsibilities of the Governor General. In the rest of the administrative field where he has neither discretionary powers nor special responsibilities, he acts on the advice of the Council of Ministers.

We may thus distinguish three different ways in which the Governor General exercises the authority vested in him as the head of the civil administration. He may (i) act in his discretion, (ii) exercise his individual judgment, and (iii) act on the advice of the popular ministers. It is only in matters where the administrative action is taken on the advice of responsible ministers that popular government may be said to have been conceded. In so far as the Governor General uses his discretion or exercises his individual judgment there is no transfer of power to the people. In order to determine the degree and extent of responsible government in the Federal sphere we must therefore know when and where the Governor General can act independently of his Ministers or overrule them.

Discretionary Powers of the Governor General — There are no less than 94 different sections of the Act which make a mention of the power of the Governor General to act in his discretion. It is not necessary to refer to all of them, we shall mention the more important items and add a few words by way of comment.

1 Administration of the Defence Department, Foreign relations excluding relations with the Dominions, Ecclesiastical Department, and Tribal Areas. These are the four reserved subjects. The first two are the most vital and important. There can be no real Swaraj or self-government without the control of the people's representatives over *defence* and *foreign* relations. To say nothing of popular control over these vital subjects, the Ministers will get little opportunity to influence the military and foreign policy of the

federal government All that is conceded to the people is that the Instrument of Instructions directs the Governor General to encourage joint consultation between the Ministers and the Counsellors. In view of the inclusion of a similar proviso in the Instrument of Instructions to the Provincial Governors under the Act of 1919, and its neglect by them, no hopes can be built on this provision.

2 Choosing, summoning, and dismissal of Ministers The way in which the late Mr Allah Bux, the Premier of Sind, was dismissed by the Governor of Sind, even though he had the support of a majority in the legislature invests the power to dismiss a Minister with great significance.

3 Presiding at meetings of the Council of Ministers

4 Appointment of the Counsellors, Financial Adviser and his staff and the determination of their salaries, allowances and conditions of service; the appointment of the Chief Commissioners; the appointment and removal of the Governor and the Deputy Governor of the Reserve Bank and the approval of their salaries and allowances, the appointment of 3/7 of the members of the Federal Railway Authority and the President thereof, the appointment of a panel to form a Railway Tribunal and the selection of persons to constitute the Tribunal, the appointment of the President of the Railway Tribunal, of the Directors and Deputy Directors of Indian Railway Companies, of temporary and additional Judges of High Courts and of the Officiating Chief Justice, the appointment of the Chairman and members of the Federal Public Service Commission and the determination of their salaries, tenure of office and conditions of service.

One may understand that the Ministers may not be consulted in the appointment of Counsellors since they are to be responsible to the Governor General, but the taking away of political patronage from their hands and leaving the power to appoint so many high officials to the Governor General cannot be defended on rational grounds. It simply means concentration of power in the Governor General

5 Making of rules (i) for the convenient transaction of governmental business and the distribution of work among the Ministers, (ii) for keeping the Governor General informed, (iii) for the authentication of the orders and instruments of the Government.

The value and importance of this rule-making power can be best understood from the fact that its exercise is one of the reasons which have led to the domination of the Governor General over his Executive Council. He has also the power to make regulations necessitating consultation with the Public Service Commission regarding appointment to the posts under Federation. He also makes regulations for the peace and good government of British Baluchistan, Andaman and Nicobar Islands.

6. The various powers conferred on him in connection with the legislature, *e. g.*, of summoning, proroguing its sessions, and dissolving the lower House, sending messages regarding pending Bills, summoning of the joint meetings of the two Houses, disallowing the introduction of certain Bills and the refusal of assent to Bills passed by it or reserving them for His Majesty's pleasure, and the giving of previous sanction for the introduction of certain Bills.

7. The work of legislation, *i. e.*, the enacting of Governor General's Acts, promulgation of ordinances.

8. Issuing of emergency Proclamation, suspending the constitution and assuming specified powers to himself, issuing instructions to Governors for promulgating ordinances, control over and issuing directions to Governors acting in their discretion or exercising individual judgment.

The list is illustrative only and not exhaustive. It is, however, sufficient to reveal the extent of the real power vested in the Governor General.

Special Responsibilities and other powers of the G. G — Within the ministerial field the Governor General has certain special responsibilities in the discharge of which he may ignore the advice given by his Council of Ministers and act in his individual judgment. They constitute a special feature of the new constitution. They have been necessitated by the transfer of power to the people. The Act lays down the following special responsibilities of the Governor General :

1. Prevention of any grave menace to the peace or tranquility of India or any part thereof.

2. The safeguarding of the financial stability and credit of the Federal Government.

3. The safeguarding of the legitimate interests of the minorities.

4. The securing to, and to the dependents of, persons who are or have been members of the public services, of any rights provided or preserved for them by or under the Act and the safeguarding of their legitimate interests.

5. Prevention of commercial discrimination in the sphere of executive action.

6. Prevention of action which would subject goods of the United Kingdom or Burmese origin imported into India to discriminatory or penal treatment.

7. Protection of the rights of any Indian State and the rights and dignity of the Ruler thereof.

8. The securing that the due discharge of his functions with respect to matters regarding which he is by or under this Act required to act in his discretion or to exercise his individual judgment is not prejudiced or impeded by any course of action taken with respect to any other matter.

We shall add a few words about these special responsibilities. Indian opinion has taken strong objection to them on the ground that they 'remove the most considerable part of governmental routine from the hands of the responsible, popular Ministers.'^{*} They are calculated to strengthen the executive independence and thus militate against the development of responsible government. They prevent the Governor General from becoming the constitutional head with respect to the transferred subjects. They are also very vague and ill-defined and provide to a reactionary and autocratic Governor General a handle to thwart national progress. As Dr Sir Shafat Ahmad Khan remarks in his volume on Indian Federation 'the field of special responsibility permeates the whole administration, and it is difficult to suggest any subject ... in which it may not emerge any moment' They represent safeguards against the risk to British interests involved in the transfer of political power to the people.

Law and order is one of the departments under the control of a responsible minister. But the special responsibility of the

^{*} K. T. Shah *Federal Structure*, pages 160—61

Governor General for the prevention of any grave menace to the peace and tranquillity of India or any part thereof gives him the power to take any steps he likes to combat terroristic activities, revolutionary plans, and civil disobedience movements irrespective of the wishes of the Council of Ministers. Not only that, under cover of it he may overrule any measure proposed to be adopted by any other branch of administration, if he considers it to be ill-advised and likely to be a menace to the peace and tranquillity of any part of India, *e. g.*, the proposal to declare Jan 26 a public holiday or a measure to abolish permanent settlement or change the system of land tenure.

Finance is also one of the transferred departments under the control of a popular minister. British vested interests apprehended danger to themselves from the financial policies a nationalist finance minister might adopt. There are also the Home Charges and the Public Debt of India against which there has been some talk in India. All these require to be safe-guarded against any inroads nationalist forces might make. Hence the Governor General is charged with the special responsibility of safeguarding the financial stability and credit of the Federal Government. To assist him in the discharge of this very vital responsibility, he is to appoint a Financial Adviser whose staff, salary and conditions of service are to be determined by him acting in his discretion. He is to hold office during his pleasure. The Financial Adviser shall be available to the Federal Government for consultation in financial matters. Except in the appointment of the first Adviser, the Governor General is to consult his Ministers as to the person to be selected for the post.

The responsibility for safe-guarding the legitimate interests of the minorities does not call for any comment except that it was inserted in order to satisfy the minorities and allay their fears that the majority community may not act in an arbitrary and tyrannical manner. The responsibility for protecting the interests of the Public Services was also introduced for a similar reason. But it is far more important than the other, it has the effect of placing the members of the Services beyond the control of the ministers under whom they serve and whose policies and decisions they have to carry out.

India is held by the Britishers as one of the best markets for British manufactured goods and the investment of British capital, as well as a source for the supply of raw material. British trading and commercial interests were much afraid that a self-governing India would adopt measures which would injure their trade and investments. Responsibility for the prevention of discrimination against such measures has been included as a sop to them.

The responsibility mentioned last of all simply means that the Governor General is authorised to take steps to ensure that no action taken by any department will impede the discharge of his special responsibilities. In addition to the above mentioned special responsibilities there are other occasions also where the Governor General is to exercise his individual judgment, *e g*, promulgating ordinances under special emergencies, nominating and removing directors of the Reserve Bank, making of rules for the convenient transaction of business between the Federal Government and the Railway Authority, and appointing the High Commissioner for India and determining his salary and conditions of service.

Summary of Powers of the Governor General.— The various powers vested in the Governor General by the Act of 1935 have been described in the two preceding sections. In view of the importance of the subject and even at the risk of a considerable repetition, we propose to give a summary account of his powers in the administrative, financial and legislative spheres.

Administrative Power. — These include the administration of the *reserved* subjects, appointment of the three Counsellors, the Financial Adviser, Chief Commissioners, some members of the Federal Railway Authority, the Governor and the Deputy Governor of the Reserve Bank, nomination and removal of some Directors of the Bank, appointment of the President and members of the Public Services Commission, members of the Railway Tribunal and its President and the determination of their remuneration, appointment of temporary and additional judges of High Courts and of the acting Chief Justice of the Federal Court or a High Court; prevention of commercial discrimination in the executive and legislative spheres, administration of British Baluchistan and the Andaman and Nicobar Islands, obtaining of consultative opinions

from the Federal Court, allocation of residual powers of legislation, making of rules for transacting business of the Council of Ministers, and requiring the Ministers and the Secretaries to the Government to transmit to him relevant information, granting consent for starting proceedings against government servants for their official acts, suspension or remission or commutation of sentences of death; granting honours and titles; removal of disqualification due to the failure to lodge election expenses return, or due to a sentence of imprisonment or transportation; assignment of income-tax to the Provinces; the choosing, summoning, and dismissal of the Ministers and presiding over the meetings of the Council of Ministers, exercising control over Provincial Governors in so far as they are required to use their discretion or exercise their judgment; and suspending the constitution.

There are functions of an administrative nature which he performs in relation to the Federal Legislature, *e g*, summoning from time to time the Chambers or either Chamber to meet at a time and place determined by him; dissolving the House of Assembly, addressing either Chamber or both of them conjointly, sending messages to them; calling a joint sitting of the two Chambers, returning a Bill to the Chambers with a message for reconsidering it or any specific provision of it; to give assent to Bills passed by the Federal Legislature or to withhold assent, or to reserve them for His Majesty's pleasure, to disallow certain questions from being asked and certain resolutions from being moved in the Legislature; to grant previous sanction for the introduction of certain types of Bills, to nominate six persons to the Council of State, to fix a time for the holding of general elections, and to make rules of procedure for regulating the business, before either House in some cases

Legislative Powers.—Most of the powers in relation to the Legislature referred to above are of a routine character. The same remark cannot however be made about the powers of *legislation*; the Act gives him These are of two kinds. He can enact what have been termed Governor General's Acts. If he thinks that for the purpose of discharging satisfactorily his functions in respect of matters where he has to use his discretion or exercise his individual judgment provision should be made by legislation, he may in a

message explain the circumstances to the Legislature and enact a Governor General's Act embodying the necessary provisions. If he likes he may send a draft of the Act to the Legislature and consider any suggestions the latter might make. Secondly, he has the power to issue ordinances. These again are of two kinds. If the Legislature is not in session and an emergent situation arises requiring immediate action, he may promulgate an ordinance on the advice of his Ministers. If necessary, he may exercise his individual judgment in such a case. Such an ordinance shall have all the force of law, but must be placed before the Legislature, and shall cease to have effect if it is not passed by it within six weeks of the commencement of the session. The Governor General has also the power to promulgate an ordinance *at any time* with regard to subjects coming within his discretion and special responsibilities. Such an ordinance cannot remain in force for more than six months at a time, but may be renewed for a further period of six months by another ordinance. The fact of such an extension must be communicated to the Secretary of State who shall place it before both the Houses of Parliament.

These legislative powers of the Governor General have no parallel in democratic states. They are, however, necessitated by the special responsibilities and powers given to the Governor General in administration.

Financial Powers.— These shall be discussed in detail in connection with the financial powers of the Federal Legislature because they cannot be properly understood and estimated without their knowledge.

It would thus appear that the Governor General holds a key position in the structure of the government and is not a mere constitutional head like the King of England whom he represents. He has very real and important powers which make him a real directing force of the constitutional machine.

Nature of the Federal Executive — The Act thus introduces *Dynarchy* at the Centre. The Federal Executive is to consist of two halves, one *popular* and the other *irresponsible*. The popular half consisting of the Ministers responsible to the legislature would administer the transferred departments. The 'irresponsible' half would consist of the Governor General and his Counsellors, and be

in charge of the four reserved subjects. As would have become amply clear, the Governor General has powers to overrule the popular ministers in the ministerial field also. It is not only the existence of the reserved departments and the special responsibilities of the Governor General which limit the Ministers in their work, the growth of real responsible government is likely to be hindered by other circumstances also. In view of the fact that the Council of Ministers is to contain representatives of the minorities and the States, it may be difficult to develop the spirit of collective responsibility without which responsible government tends to become unreal. The Council of Ministers is likely to be heterogeneous in its composition. The fact that the Legislature is to be constituted on a communal and sectarian basis will also make the formation of an effective Ministry difficult. With all the reserve and special powers of the Governor General, with the Railways under the control of the Railway Authority, and with Currency, Exchange and Reserve Bank outside the control of the Legislature, the scope of ministerial responsibility is very limited.

Advocate General.— Provision is also made for the appointment of an Advocate General for the Federation. He is to be appointed by the Governor General acting in his individual judgment. His remuneration is to be determined in like manner. His qualifications are to be those of a judge of the Federal Court. It will be his duty to advise the Federal Legislature in legal matters and perform such other functions as may be assigned to him by the Governor General. He is not expected to have any political affiliations with the Ministry. He has the right to address both the Houses of Legislature and holds office during the pleasure of the Governor General.

The Instrument of Instructions.— The Instrument of Instructions is a document of very great importance, for it is through it that the elements of responsible government are sought to be introduced in the Federal Government (and in the Provincial Governments as well). It should be remembered that in the Government of India Act of 1935 there is not a word about the principle of collective responsibility of the Council of Ministers, or about the requirement that they should enjoy the confidence of the legislature. In laying down that the Governor General should

appoint his Ministers in consultation with a person who is most likely to have a stable majority in the Legislature and that he should foster the spirit of joint responsibility, the Instrument introduces responsible government. It also directs the Governor General to include representatives of important minority communities and the States, and contains instructions as to the manner in which he is to exercise his special powers and discharge his special responsibilities. It also directs him to consult his Ministers in matters pertaining to the defence of the country and the Indianisation of the Army or the employment of Indian troops abroad. It is thus clear, that the Instrument of Instructions is made the vehicle of the development of responsible government in the country.

It is issued by the King to the Governor General at the time of his appointment. Its draft is prepared by the Secretary of State and is laid before Parliament. No further action can be taken on it unless an address is presented to His Majesty by both the Houses praying that the Instrument be issued. The same procedure has to be gone through in issuing a subsequent Instrument modifying, amending or revoking the provisions of an Instrument previously issued. Parliamentary approval of the Instrument is thus made indispensable. This practice stands sharply contrasted with that adopted in issuing Instruments of Instructions to the Governors General of the Dominions

Although the Instrument possesses great constitutional significance and importance, it cannot be legally enforced through a court of law. No legal notice can be taken of any action on the ground that it is inconsistent with its provisions. The validity of the appointment of interim minority ministries by the Governors which did not enjoy the confidence of the majority party in various provincial legislatures could not, thus, be called into question. If the Governor General does not encourage the spirit of joint responsibility, or appoints his Council of Ministers otherwise than is provided for in the Instrument, the people of India have no remedy. The Instrument is thus, highly defective as a weapon of evolving responsible government.

THE FEDERAL LEGISLATURE

Its Composition — The Act provides for the establishment of a Federal Legislature which is to consist of His Majesty, represented by the Governor General, and two Chambers to be known as the Council of State and the House of Assembly respectively. The institution of a bicameral legislature is not an innovation, the Central Legislature under the Government of India Act of 1919 also consisted of two Chambers. A federal constitution also envisages a bicameral legislature, the lower house of which represents the citizens of the Federation and the upper, its units. The King has been associated with the Federal Legislature in a direct manner as was not the case under the previous Act. The reasons for this change have been nowhere stated.

The Council of State which is to represent the federating units is to consist of 156 representatives of British Indian Provinces and *not more than* 104 representatives of Indian States. The number of the representatives of the States at any time is to depend upon the number of States acceding to the Federation. The total 104 seats allotted to the States are divided among them in accordance with their relative rank and importance as indicated by their dynastic salute and other factors. The scheme of distribution is stated in the First Schedule to the Act. Hyderabad has been assigned five seats, Mysore, Kashmere, Gwalior and Baroda three each; Travancore, Cochin, Udaipur, Jaipur, Jodhpur, Bikaner, Indore, Bhopal, Rewa, Patiala, Kolhapur and Kalat have got two each. Smaller States like Alwar, Bharatpur, Kapurthala, and Nabha have been given one seat each. Still smaller States have been put into groups for the purpose of representation. Thus Rajpipla and Palampur together have been assigned one seat; similarly Tripura and Mampur together have got one seat.

The representatives of the States are to be *nominated* by their rulers. The law does not demand, though it does not prohibit either, that the people should be consulted by the Rulers of the States in the choice of the representatives. There may be Princes who may allow them to be elected by their subjects, these, however, will be rare exceptions. Representatives nominated by the despotic

Rulers are liable to be made the instruments of their will in the Legislature and thus made to serve the interests of the Paramount Power. This is the reason why Indian public opinion is against this particular provision of the Act.

Of the 156 representatives assigned to British India 150 are to be elected by the people on a communal basis and the remaining six are to be appointed by the Governor General in his discretion in order to secure representation for women, minorities, and the Depressed Classes. The 150 elected representatives of British India are distributed among the various Provinces as under : Madras, Bengal, and the United Provinces twenty each ; Bombay, the Punjab, and Bihar sixteen each , C. P. & Berar eight ; Assam, Orissa, and North Western Frontier Province and Sind five each , British Baluchistan, Delhi, Ajmer-Merwara and Coorg one each.

The seats are distributed among the various communities as under Hindus (General seats) 75, Scheduled Classes 6; Sikhs 4; Muslims 49, Women 6; Europeans 7; Indian Christians 2, Anglo-Indians 1. The seats assigned to each Province are distributed among the various communities, for example, the twenty seats allotted to the United Provinces are made up of 11 General (Hindu) seats; 1 Scheduled Classes, 7 Muslims, and one women's seats. The sixteen seats allotted to the Punjab are distributed as under : Muslims 8, General (Hindus) 3, Sikhs 4, and women one.

General seats and the seats reserved for the Sikhs and the Muslims are to be filled by direct election in territorial constituencies created for the purpose and by communal electorates. The seats reserved for Europeans, Anglo-Indians and Indian Christians are to be filled by indirect election. The members representing Europeans in all the Provincial Legislatures will form an electoral college for the election of European members of the Council of State. The representatives of the Anglo-Indians and Indian Christians are to be similarly elected by special electoral colleges consisting of the representatives of these communities in the Provincial Legislatures. The Scheduled Class members of a provincial legislature would constitute electors for the election of a member of that class to the Council of State from that Province. All the members of a provincial legislature, men and women, are to be the voters

for the election of a woman to fill the seat reserved for women from that Province

The Council of State will be a highly plutocratic and aristocratic body because a high property qualification will be required in order to become a voter for it. Though the franchise has not yet been determined, the right to vote is not likely to be conferred on more than 100,000 persons. A small number of landlords, industrial and commercial magnates would constitute the electorate.

The Council of State is to be a *permanent* body not liable to dissolution at any time. This is a departure from the present practice of a limited tenure. One third of its members would retire every three years, so that it would be partially renewed every three years. Members would be elected for a term of nine years.

The House of Assembly — The lower House of the Federal Legislature is to be known as the House of Assembly or the Federal Assembly. It is to consist of 250 representatives of British Indian Provinces and not more than 125 representatives of Indian States. As in the case of the Council of State, the number of State representatives depends upon the number of States joining the Federation. The representatives of the States are to be nominated by their Rulers. The First Schedule fixes the number of seats allotted to each State. Hyderabad gets 16, Mysore 7, Travancore 5, Kashmere and Gwalior 4 each, Baroda and Jaipur 3 each, Udaipur, Jodhpur, Indore and Rewa get two each, while the smaller States like Rampur, Bikaner, Alwar, Bharatpur, Bhopal and Navanagar have been assigned one seat each. Still smaller States have been joined into groups with one seat for each group. It will be evident on a little reflection that in determining the number of seats allotted to each State in the House of Assembly more regard has been paid to its population than to its rank or status. Cochin and Bikaner have, each of them, two seats in the Council of State but only one in the Assembly, whereas Travancore has five in the Assembly as against two in the Council.

It should be noted that except for the six persons nominated by the Governor General to the Council of State to represent

certain interests, there shall be no bloc of nominated members, officials and non-officials, in the Federal Legislature. The solid bloc of nominated officials and non-officials, whose presence is a prominent feature of the present Legislature as constituted under the Act of 1919 will vanish from both the Houses. This is a very wholesome phenomenon, very much to be appreciated. But its place would be taken by the bloc of State Representatives in each Chamber which is likely to be as much amenable to the control of the Governor General as the present nominated bloc. The presence of the nominees of the Princes detracts from the representative character of each Chamber.

The seats allotted to British India are divided among the different Provinces. Madras, Bengal and the United Provinces get 37 each, Bombay, Punjab, and Bihar 30 each, Central Provinces and Berar 15, Assam 10, N. W. F. Province, Orissa, and Sind 5 each; Delhi 2, British Baluchistan, Coorg and Ajmer-Merwara one each. There are also four non-provincial seats, three of which are assigned to Commerce and Industry and Labour. The total seats are distributed among the various communities and interests as follows: General (Hindus) 105, Scheduled Classes 19, Muslims 82, Sikhs 6, Europeans 8; Indian Christians 8, Anglo Indians 4, Commerce and Industry 11, Landlords 7, Labour 10, and Women 9. The seats assigned to each Province are distributed among the different communities and interests. The 37 seats allotted to the United Provinces comprise 19 General, 3 Scheduled Class, 12 Muslim, 1 Anglo-Indian, 1 European, 1 Indian Christian, 1 Labour, 1 Landlords, and 1 Women's seat. In the Punjab out of a total of 30 seats the Muslims get 14, Sikhs 6, Hindus 6, Scheduled Classes 1, Europeans 1, Indian Christians 1, Landlords 1, and Labour 1 seat. The tables reproduced on the next two pages from the First Schedule to the Act show the distribution of seats among the different provinces and communities so far as British India is concerned.

TABLE OF SEATS
THE COUNCIL OF STATE
Representatives of British India
Allocation of Seats

Province or Community	Total seats	General seats	Seats for Scheduled Castes	Sikh seats	Muhammadian seats	Women's seats
Madras	20	14	1	—	4	1
Bombay	16	10	1	—	4	1
Bengal	20	8	1	—	10	1
United Provinces	20	11	1	—	7	1
Punjab	16	3	—	4	8	1
Bihar	16	10	1	—	4	1
Central Provinces and Berar	8	6	1	—	1	—
Assam	5	3	—	—	2	—
North-West Frontier Province	5	1	—	—	4	—
Orissa	5	4	—	—	1	—
Sind	5	2	—	—	3	—
British Baluchistan	1	—	—	—	1	—
Delhi	1	1	—	—	—	—
Ajmer-Merwara	1	1	—	—	—	—
Coorg	1	1	—	—	—	—
Anglo-Indians	1	—	—	—	—	—
Europeans	7	—	—	—	—	—
Indian Christians	2	—	—	—	—	—

TABLE OF SEATS
The Federal Assembly
Representatives of British India

Province	Total Seats	General Seats		Sikh Seats	Muhammadan Seats	Anglo-Indian Seats	European Seats	Indian Christian Seats	Seats for representatives of commerce and industry	Land-holders' Seats	Seats for representatives of labour	Women's Seats
		Total of General Seats	General seats reserved for Scheduled castes									
Madras	37	19	4	—	8	1	1	2	2	1	1	2
Bombay	30	13	2	—	6	1	1	1	3	1	2	2
Bengal	37	10	3	—	17	1	1	1	3	1	2	1
United Provinces	37	19	3	—	12	1	1	1	—	1	1	1
Punjab	30	6	1	6	14	—	1	1	—	1	—	1
Bihar	30	16	2	—	9	—	1	1	—	1	1	1
Central Provinces and Berar	15	9	2	—	3	—	—	—	—	—	—	—
Assam	10	4	1	—	3	—	1	1	—	—	1	—
North-West Frontier Province	5	1	—	—	1	—	—	—	—	—	—	—
Orissa	5	4	1	—	1	—	—	—	—	—	—	—
Sind	5	1	—	—	3	—	1	—	—	—	—	—
British Baluchistan	1	—	—	—	1	—	—	—	—	—	—	—
Delhi	2	1	—	—	1	—	—	—	—	—	—	—
Ajmer-Merwara	1	1	—	—	—	—	—	—	—	—	—	—
Cooch	1	1	—	—	—	—	—	—	—	—	—	—
Non-Provincial Seats	4	—	—	—	—	—	—	—	3	—	1	—
Totals	250	105	19	6	82	4	8	8	11	7	10	9

It will be observed that the British Indian seats are divided into (i) General seats to be filled by the Hindus and communities like the Parsis which have not been granted the dubious privilege of separate communal representation, (ii) seats reserved for Scheduled or Depressed Classes, (iii) seats reserved for the Sikhs, (iv) seats reserved for Muslims, (v) seats reserved for women, (vi) seats reserved for Europeans, (vii) seats reserved for Anglo-Indians, (viii) seats reserved for Indian Christians, (ix) seats reserved for Commerce and Industry; (x) seats reserved for Landlords, and (xi) seats reserved for Labour. The process of dividing the nation into water-tight groups, each seeking and pursuing its own fancied and exclusive advantage could not perhaps be carried further. The Act of 1935 carries the vicious principle of separate communal representation very much farther than was done by the Act of 1919, and has thereby made the task of welding the different elements of the Indian population into a coherent and solid nation very much difficult. It may be noted that it concedes separate representation not only to those communities and interests which sought it, but it also thrusts it upon an element which was stoutly opposed to it and strongly protested against being drawn into the vortex of communal strife, namely, the women. There does not seem to be any defence of the extension of the system of communal representation to women who never wanted it and who continuously raised their protest against it.

A few words have to be added about the method of election to the House of Assembly because it stands sharply contrasted with that prevailing in other countries having a federal constitution. In them the Lower Chamber represents the nation or the federal state itself as distinct from the units which are represented in the Upper Chamber, it is directly elected by the citizens of the federation. The members who take their seats in it are the representatives of the people, the Lower Chamber embodies national unity. But this practice has not been followed in the Indian Federation. The members representing British India in the Lower Chamber are to be *indirectly* elected. The members of the Provincial Legislative Assembly will form the electorate for election to the Hindu (General), Muslim, and Sikh seats assigned to the Province. Its Muslim members will elect

Muslim representatives, and the Sikh members Sikh representatives, if any Members representing the General seats will vote for election to the General seats in the Federal Assembly Women members will be elected by a college of electors consisting of all women members returned by women constituencies in all the Provinces to the Provincial Assemblies The European, Anglo-Indian, and Indian Christian members will be similarly elected by electoral colleges consisting of members of those communities respectively in the Provincial Assemblies Persons to fill the Commerce and Industry seats are to be chosen by the Chambers of Commerce, those for Landlords by the Landlords, and the labour seats are to be filled by Labour organisations The four non-provincial seats are to be filled by the Federated Chambers of Commerce, Associated Chambers of Commerce, commercial bodies in Northern India, and labour organisations respectively The procedure laid down for the election of Scheduled Class members is more complicated It is designed to preserve Hindu solidarity and yet give representation to those classes It is not necessary to enter into details

It may not be out of the way to point out at this stage the reasons which led the Joint Parliamentary Committee to recommend indirect election in place of the direct election which is still in vogue in India and elsewhere It was argued that with the widening of franchise which was bound to take place, the constituencies would become so unwieldy and unmanageable that it would be impossible for the elected representatives to maintain close and intimate contact with their voters without which there can be no true and genuine democratic government The plea was also advanced that the ordinary citizens would not be much interested in the subjects coming up for discussion and legislation before the federal legislature which are of no immediate concern to them, and that the system of indirect election would secure representation from those interested in and concerned with Federal matters It was also pointed out that, if indirect elections were found unsuccessful, the change to direct election could be effected with ease, but it would be extremely difficult to drop direct and introduce indirect election if the former proved difficult Indian opinion was very much against the recommendation of the

Joint Parliamentary Committee and the only concession Parliament made to it was to adopt the system of direct election for the Upper Chamber

The adoption of indirect election for constituting the House of Assembly is one of the weakest points of the federal scheme as outlined in the Act. It will seriously retard the growth of national unity and patriotism, for issues concerning India as a whole will not come up before the masses who will be concerned only with provincial problems. Instead of developing a national outlook they will generally view things and problems from a provincial point of view. Elections will be fought on provincial issues and federal issues will suffer. This objection against indirect election was very forcefully put before the House of Commons by Sir Herbert Samuel who spoke as follows: 'The Indians want their country to be one unit. They want their country to be visibly one great nation. The main achievement of British rule during the last two centuries has been that for the first time it has created a united India in some degree. That is an unchallengeable achievement of the British connection, which is welcomed by Indians of all shades of opinion. . . they want an Assembly which will represent India as such. This is not a measure which will secure the representation as such, a united, a single India, a great nation standing visibly one and indivisible in the face of the whole world. It will be merely a collection of representatives of ten or twelve different provinces. That is what the Indians do not desire, and that is the chief and underlying reason why the Central Legislature should be directly created by an all-India electorate and should be chosen on all-India issues.' In the second place, it will make the dissolution of the Federal Assembly a useless thing for the solution of differences, between it and the Federal Government. There shall be no public opinion to which either the members or the Government can appeal. Each member will go to the six or seven persons of the provincial legislature who elected him and who will again send him back. Dissolution of the Assembly will thus become perfectly futile. There is also some danger that the system would create corruption.

The arguments against indirect election are weighty, those in favour of it are unconvincing. The proposal to constitute the

Upper House on a direct basis and the Lower House on an indirect basis has no precedent in the world, it is contrary to all principles and tradition. Progressive Indian opinion demands a reversal to the practice of direct election to the Lower House.

Since elections to the House of Assembly are to be indirect, the question of franchise does not arise. The Assembly will have a tenure of five years, but may be dissolved earlier by the Governor General. He cannot, however, extend its life. It is empowered to elect one of its members as the Speaker and another as the Deputy Speaker. The Speaker will preside at its meetings and perform the usual duties of the presiding officer of a legislature. He shall not vote in the first instance but may give his casting vote in case of an equality of votes. He may at any time resign his office by writing to the Governor General to that effect, and may be removed from office by a vote of the Assembly. Similar remarks apply to the presiding officer of the Council of State who is to be known as the President.

Qualifications and Privileges of Members.—No one can be a member of both the Houses. No one can be a member of either Chamber of the Federal Legislature and of a Chamber of a Provincial Legislature. Persons holding an office of profit under the Crown in India, or who are declared to be of unsound mind by a court, or are undischarged insolvents, or have been convicted of any offence or corrupt practice relating to elections, or have been sentenced to transportation or imprisonment for not less than two years, and provided five years have not elapsed since their release, are not eligible for membership of the Federal Legislature. A member of the Council of State must be not less than thirty years and that of the House of Assembly not less than 25 years of age. No one can be chosen a member of either Chamber who is undergoing a sentence of imprisonment or transportation for a criminal offence. A member loses his seat if he fails to lodge a return of his election expenses.

Every member of either Chamber has to take an oath of allegiance to the King before taking his seat. The members are assured of freedom of speech, subject to the rules and regulations of the Chamber to which they may belong. No member is liable to

any proceedings for anything said in the House or a vote given there. They are to receive such salaries and allowances as may be determined from time to time by an Act of the Legislature. Other privileges will be such as may be defined by an Act of the Legislature.

Powers of the Legislature — The powers and functions of the Federal Legislature may best be discussed under four heads: legislation, deliberation on and formation of national policies, finance and control over administration, and enforcement of ministerial responsibility.

(a) *Legislative Powers.*— The Federal Legislature has got *exclusive* powers to make laws on all the subjects mentioned in the Federal List for the whole of British India or any part thereof, and for the Federating States on such subjects as are specified in the Instruments of Accession and to the extent to which the Princes federating might have agreed. It can also make laws for all British subjects and servants of the Crown in any part of India, for British subjects domiciled in any part of India, and also for ships and aircraft registered in British India or any Federated State and for persons on them. No provincial legislature is authorised to legislate on any subject named in the Federal List.

The Federal Legislature is also empowered to legislate on subjects stated in the Concurrent List. This power is not exclusive, the Provincial Legislatures also have the right to make laws on them. Under ordinary circumstances it has no authority to legislate on subjects included in the Provincial List. But in an emergency whereby the security of India is threatened, whether by war or internal disturbance, or where two or more Provinces by mutual consent request it, the Federal Legislature can legislate even for the Provinces on a Provincial subject. This power of superseding the Provincial Legislature can be exercised only with the previous sanction of the Governor General given in his discretion. It should always be borne in mind that all legislatures in British India are non-sovereign legislative bodies, their powers to make laws are restricted in several ways. They shall be described elsewhere in this and the next chapter.

(b) *Formation of National Policy.*— The terms of the

Constitution do not expressly provide for the exercise of this power by the Federal Legislature. It is however implied in its power to move and discuss resolutions on important matters, discuss and pass the budget, and enforce responsibility on the ministers. The Central Legislature as constituted under the Act of 1919 also has this power. But, as has been pointed out in an earlier chapter, its resolutions etc. are not binding on the executive, they are merely recommendatory in nature. Under the Act of 1935 they will be mandatory, the ministers can disregard them only on pain of a vote of no-confidence. Of course, if they touch upon the sphere where the Governor General is authorised to use his discretion or exercise his individual judgment, they are nothing more than mere recommendations to which the executive may or may not pay heed.

(c) *Financial Powers.*—The extent to which a legislature can influence the formation of national policies and enforce responsibility upon the executive depends upon its financial powers. 'He who controls the purse controls the administration.' In order to determine the degree to which the Act transfers political power from the Bureaucracy to the people of India, one must have a precise knowledge of the financial powers of the Federal Legislature.

It is the duty of the Governor General to get prepared every year a statement of the estimated receipts and expenditure of the Federation for the following year— it is called the 'Annual Financial Statement'— and cause it to be placed before both the Chambers of the Federal Legislature. The Statement must show clearly (i) the sums required to meet expenditure charged upon the revenues of the Federation, (ii) the sums required to meet other expenditure proposed to be made from the revenues of the Federation, and (iii) the sums, if any, which are included solely because the Governor General has directed their inclusion as being necessary for the due discharge of any of his special responsibilities. The distinction between (i) and (ii) is very important and fundamental, and must be grasped fully. Under class (i) are included all those items of expenditure which do not require any vote of the Legislature; they are a charge upon federal revenues. The Governor General can authorise expenditure on them without any

reference to his Council of Ministers or the Legislature. They cover about 75 to 80 % of the total expenditure. They are as follows

(a) The salary and allowances of the Governor General and other expenditure relating to his office for which provision is required to be made by an Order-in-Council

(b) Debt charges for which the Federation is liable, including interest, sinking fund charges and redemption charges, other expenses relating to the raising of loans and the service and redemption of debt

(c) Salaries and allowances of Ministers, Counsellors, the Financial Adviser, the Advocate general, Chief Commissioners, and of the staff of the Financial Adviser

(d) The salaries, allowances, and pensions payable to or in respect of the judges of the Federal Court, and the pensions payable to or in respect of the judges of any High Court.

(e) Expenditure for the discharge by the Governor General of his functions with respect to the reserved subjects, namely defence, foreign relations, tribal areas, and ecclesiastical affairs

(f) The sums payable to His Majesty under the Act out of the revenues of the Federation in respect of expenses incurred in discharging the functions of the Crown in relation to the Indian States

(g) Any grant connected with the administration of excluded areas in any Province

(h) Any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal

(i) Any other expenditure declared by an Act of the Federal Legislature to be so charged

Whether or not any proposed demand for a grant falls under the non-votable head is to be decided by the Governor General in his discretion, and his decision is final

† Though these items are not subject to the vote of the Legislature, it is at liberty to discuss any of them excepting the salary and allowances of the Governor General, and the sums payable to His Majesty under (f) above.

Expenditure on items included in (ii) is subject to the vote of the Legislature, it cannot be incurred by the executive unless it

has been sanctioned by the former. It comes to about 20 to 25 % of the total expenditure. Even in this limited sphere the control of the Legislature is not complete. It is open to the Governor General to include in the authenticated schedule of authorised expenditure any demand for grant that might have been reduced or refused by the Assembly, if it appears to him necessary for the proper discharge of any of his special responsibilities. It would thus appear that the financial powers of the Federal Legislature are highly circumscribed. The existence of expensive departments like those of defence and foreign relations which are wholly removed from ministerial control and the power of the Governor General to sanction expenditure where his special responsibilities are involved put serious limitations on the power of voting supplies possessed by the Legislature.

For a better understanding of the powers of the Legislature as well as those of the Governor General in regard to federal finance it is necessary to know the procedure in financial matters. The first step, as has been already hinted, is the submission of the Annual Financial Statement showing the estimated income and expenditure for the following year before both the Houses. No priority or pre-eminence has been accorded to the House of Assembly over the Council of State in this respect. Both the Houses then proceed with a general discussion of the Budget as a whole. This gives each of the Chambers an opportunity to review the administration in general, criticise the policies pursued by the Government in various departments and voice national grievances. It should be remembered that the Chambers are free to discuss all items of expenditure which are a charge upon federal revenues except the salary and allowances of the Governor General and expenditure in respect of the States. The general discussion constitutes the second stage of the financial procedure. The third stage commences when the various demands for grants are first submitted to the Assembly for its vote. It is hardly necessary to remind the reader that only about 20 to 25 % of the total expenditure is subject to the Assembly's vote, the rest is a charge upon the federal revenues. The Assembly may either assent or refuse to assent to a demand for grant or reduce it; it cannot increase it. It cannot propose any expenditure. It is in accordance with a sound

principle of public finance that no demand for grant can be made except on the recommendation of the Governor General, and private members are debarred from proposing fresh expenditure. After the House of Assembly has voted upon each of the demands, as many of them as have been passed by it or passed by it in a reduced form, are to be placed before the Council of State for its vote. In other words, the Act of 1935 gives the Upper Chamber an equal right to vote supplies. The only privilege enjoyed by the Lower House is that the demands for grants are in the first instance submitted to it, and that if a grant is refused by it, it cannot be placed before the Upper House unless the Governor General otherwise directs. If it reduces a grant, the reduced grant has to be put before the Council of State unless the Governor General directs that the original grant be put before it. The Act of 1935 thus introduces two innovations, it confers equal powers of voting supplies upon the Council of State, and permits the Governor General to override the House of Assembly, if it reduces or refuses a grant.

If the two Chambers disagree about any demand for grant, *i.e.*, if one House refuses a grant which the other passes, or reduces it by an amount not acceptable to the other, the Governor General has to call a Joint Session of the two Houses to decide the matter. The composition of the two Chambers is such that in a great majority of cases the will of the Governor General is likely to prevail. He can count upon the support of the States Representatives, who number about 229, the representatives of landlords, Europeans, Anglo-Indians and Commerce and Industry, who number about 40 in both the Houses, and also upon the votes of communalists and the nominated members. The chances of popular will prevailing in the joint session are small indeed. After the two Houses have finished voting upon the grants, either singly or jointly, the Budget enters upon the fourth and last stage. The Governor General authenticates by his signature a schedule specifying the grants made by the Chambers and the sums charged upon the Federal revenues. While authenticating the schedule, he has the right to restore a grant refused by the Chambers or to restore a grant to its original figure which might

have been reduced by them, if in his opinion such a refusal or reduction would affect the due discharge of any of his special responsibilities. The authenticated schedule shall be placed before the two Houses but shall not be open for discussion or voting thereon. It constitutes the legal authority for expenditure during the year. If in any financial year additional expenditure become necessary, a supplementary budget has to be passed and the same procedure has to be gone through.

One other point deserves notice. The present practice is that after the various demands for grants have been considered and passed by the Legislature, a Finance Bill is prepared and presented before the Assembly for its acceptance. On many occasions the Assembly rejected the Bill as a protest against the policy of the Government. According to the new financial procedure the authenticated schedule takes the place of the finance bill, and it shall be beyond the power of the Legislature to discuss or vote upon it.

In several respects the new proposals are reactionary and unwelcome. The Council of State which is to be highly conservative in its composition has been given almost equal powers with the House of Assembly in the sphere of finance. Above both there is the power of the Governor General to restore any cuts or refusals made by the Legislature. Professor K. T. Shah sums up the financial position in the following words. 'Summing up the financial powers of the Legislature, we cannot but recognize that the field of finance open to the Legislature is strictly limited. Even in the limited field every attempt is made to drown or neutralise the voice of the chosen representatives of the people in the Lower House. At every stage in the course of the annual budget through the Federal Legislature, the Governor General is given powers of intervention, suggestion, and dictation. The last word rests with the Governor General, and his word shall prevail, even after the combined vote of the two Chambers of the National Legislature has decided a case against the suggestion of the Governor General. As finance is the keystone of the arch of responsible Government, these restrictions on the authority and powers of the Federal Legislature in matters of finance tell their own tale of suspicion.

and distrust of the Indian politician, of a grim resolve of the British Imperialist elements to keep India subject and an undiminished field for their exploitation."

The other part of the Annual Financial Statement, namely, the estimated income for the year, need not detain us long. It contains the taxation proposals of the Government and other ways and means of providing revenue. No proposal for taxation or borrowing can come before the House except on the recommendation of the Governor General. All that the Legislature can do is to accept the proposals, refuse them or reduce the amount of tax; it cannot increase any tax or propose a new one. After having been passed by the Assembly, it is sent up before the Council of State. No proposal for imposing a tax can be moved in the Council of State at the first instance, all such measures must originate in the House of Assembly.

From the preceding discussion it will be clear that the initiative as well as the last word in financial matters rests with the Executive. In Great Britain also the initiative lies with the executive, but the final authority is Parliament. The Act gives co-ordinate and equal powers in financial matters to the two Chambers (except that financial bills cannot originate in the Council of State) which is also contrary to the British practice according to which the House of Lords has no financial powers. This is a highly retrograde step to which Indian opinion is very much opposed.

(d) *Control over Administration* — It is not directly provided for in the Act but is implied in the power of granting or withholding supplies, the right to move resolutions on matters of general policy, motions of adjournment, and ask questions which the constitution grants to the Legislature. But for a detailed supervision of and control over the administration committees of different types appointed by the Chambers are the most important and useful. It is only when the Legislature begins to function that a committee system can develop.

Legislative Procedure.— In order to become law a Bill must be passed by both the Chambers in the same form, i.e., without

any amendments or with such amendments as are agreed to by both of them, and receive the assent of the Governor General. A Bill other than a Finance Bill may originate in either Chamber. After having been passed by the originating Chamber it is transmitted to the other Chamber. The other Chamber may pass it without making any amendments in which case it is presented to the Governor General for his assent. If the other Chamber rejects the Bill or passes it with amendments about which the two Houses disagree, or if it is not presented to the Governor General for assent within six months after its reception by the other Chamber, the Governor General may notify his intention to call a joint sitting of the two Houses for the purpose of considering and voting upon the Bill. Such action will generally be taken on ministerial advice. If the Bill is a Finance Bill or relates to a matter where the Governor General is required to use his discretion or exercise his individual judgment, the Governor General may call a joint meeting to deliberate and vote on it even if there has been no final disagreement between the two Houses on any amendment or rejection by the other House and without even waiting for the period of six months. This provision is made to enable the Governor General to expedite legislation on vital matters.

If a Bill originates in the Assembly and after having been passed by it, is pending in the Council of State, the dissolution of the Assembly will involve its lapse. But if it originated in the Council and is pending in the Assembly, the dissolution will not mean its lapse. Prorogation of the Chambers does not mean the lapse of a Bill pending in the Legislature. The dissolution of the Assembly does not affect the joint sitting of the two Houses which was notified before the dissolution took place.

At the joint sitting decisions are arrived at by a majority of the votes of the members present and voting. A Bill passed at the joint sitting is deemed to have been passed by both the Houses of the Legislature. The President of the Council presides at the joint sitting.

After a Bill has been passed by both the Houses in the same form it must be presented to the Governor General for his

assent The Governor General may give his assent in the name of His Majesty or withhold it He may reserve the Bill for His Majesty's pleasure. In all the cases the Governor General acts in his discretion His assent is not a formal matter as the Royal assent is in Great Britain, he has a real power of veto over the Federal Legislature A Bill to which the Governor General has refused his assent cannot become law An Act of the Legislature which has received the assent of the Governor General and become law may be disallowed by His Majesty within twelve months from the date of assent In that case the Act becomes void Two different authorities have thus been armed with the power of over-riding the verdict of the national legislature

Each Chamber has the right to frame rules for regulating its procedure and the conduct of its business This power is, however, limited by the right of the Governor General to make rules for the conduct of business involving any of his special responsibilities or the use of discretionary powers No discussion can take place about the conduct of a judge of the Federal Court or a High Court in the discharge of his duties

The Governor General and the Legislature — The Act vests the Governor General with great powers not only *of legislation* but also *over the Legislature* Reference to the former has already been made He can enact Governor General's Acts and promulgate Ordinances over the head of the Legislature. These are extraordinary powers of legislation which are absolutely inconsistent with the principles of democratic government, and are nowhere to be found in democratic states But in countries having the parliamentary form of government the executive head is generally given some powers *over* the legislature The Governor General of India however exercises powers in relation to the Federal Legislature far in excess of those enjoyed, for example, by the King of England or the President of the French Republic The more important of them are the following :

- 1 He summons the Legislature to meet, prorogues its sessions, and can dissolve the House of Assembly before the expiry of its term of five years He must call at least one session every year, and must not allow twelve months to elapse without calling a meeting

2. He makes rules regarding the disqualifications of members and is empowered to remove them in individual cases.

3. He can require the attendance of members to hear his address, and can call joint sittings of the two Houses under certain circumstances

4 He has the power to make rules of procedure for regulating the business before either Chamber in respect of matters coming within his discretionary powers and the exercise of individual judgment ; *e. g* , the timely completion of financial business

5. He can prohibit the discussion or the asking of questions on any matter (i) connected with Indian States other than those with respect to which the Federal Legislature has power to make laws, (ii) pertaining to the relations of His Majesty or the Governor General with any foreign power or Indian State, (iii) connected with the affairs of a Province, or (iv) dealing with the personal conduct of the Ruler of an Indian State or of a member of the ruling family thereof.

6 His previous sanction given in his discretion is necessary for the introduction of legislation which (i) repeals, amends, or is repugnant to the provision of any Act of Parliament extending to British India, (ii) repeals, amends or is repugnant to any Governor General's Act or an Ordinance promulgated by him, (iii) affects matters in which he is authorised to act in his discretion, (iv) affects, repeals, or amends any Act relating to the police force, (v) affects the procedure laid down for the trial of Europeans in criminal cases, (vi) subjects persons not residing in British India or companies not wholly managed in British India to greater taxation than persons resident in India or companies wholly controlled and managed in British India, (vii) affects the grant of relief from any Federal tax on income taxed or taxable in the United Kingdom, (viii) affects the coinage or currency, or the constitution and functions of the Reserve Bank of India, and (ix) which aims at prescribing professional qualifications. It should also be remembered that no measure which imposes a tax or proposes a fresh expenditure can come before the legislature except on the recommendation of the Governor General

7 He can recommend certain classes of Bills to the Legislature and demand that his recommendations be accepted by it. Finance Bills and measures pertaining to the administration of the reserved subjects come under this head

8 He can direct that no proceedings or further proceedings shall be taken in relation to a Bill, clause, or amendment to a clause in a Bill which in his judgment affects the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of India or any part thereof.

9 He has the power to assent to, withhold assent from, or reserve a Bill passed by the Legislature for His Majesty's pleasure. He can also return a Bill to the Legislature with the message that the Bill as a whole or some particular provisions of it may be reconsidered

Restrictions on the Powers of the Legislature — The Federal Legislature is not a sovereign legislative body ; there exist several limitations on its law-making powers. In the first place, it has no constituent powers, it cannot alter, amend, or repeal the Government of India Act or any of its provisions. The right to determine the constitution of India has been expressly reserved to itself by the British Parliament. In the second place, there are certain topics on which it is debarred from legislating, *e g.*, matters affecting the Sovereign, succession to the Crown, Army Act, Air Force Act, and Naval Discipline Act. Thirdly, there are subjects legislation on which can be introduced with the previous sanction of the Governor General given in his discretion. They have been enumerated above. Fourthly, as has been stated in a foregoing section, the Governor General and the King have the power to disallow Bills passed by it. There are Bills of a certain character which the Governor General is constitutionally required to reserve for the signification of His Majesty's pleasure, *e g.*, a Bill which derogates from the powers of a High Court in British India, a Bill passed by a Provincial Legislature which affects and alters the character of Permanent Settlement Provisions of the Act dealing with discrimination against British trading and commercial interests are also of the nature of restrictions imposed on the legislative powers of the Federal Legislature

These limitations on the legislative competence of the Federal Legislature exist because it is a *subordinate* law-making agency to which the British Parliament has given certain definite powers of legislation by the Government of India Act. The British Parliament reserves to itself the right not only to determine the Indian constitution but also to legislate for India. —

Provision in case of Failure of the Constitutional Machinery.—

It now remains to mention another very important power vested in the Governor General by the Act. It relates to the failure of the constitutional machinery set up by the Act. If an occasion arises, (similar to what happened in some of the Provinces in 1939 when the Congress Ministries resigned as the British Government had failed to state their war aims in a way satisfactory to Indian public opinion and an alternative government could not be formed) when the Governor General is satisfied that the Government of the Federation cannot be carried on in accordance with the provisions of the Act, he may issue a Proclamation suspending the constitution in whole or in part and declaring that his functions to such extent as is specified in the proclamation shall be exercised in his discretion, and may assume to himself all or any of the powers vested in or exercisable by any Federal body or authority other than the Federal Court. This proclamation shall at once be communicated to the Secretary of State, who will place it before Parliament. It shall cease to have effect after a period of six months unless both the Houses of Parliament approve of its continuation for a further period of twelve months. A proclamation suspending the constitution can be revoked by a subsequent proclamation.

The Government of the Federation by means of such proclamations cannot be carried on for more than three years. At the end of three years the government shall be conducted in accordance with such changes and amendments as may be made by Parliament. In some Provinces, however, government by means of proclamation has been carried on for more than the stated period of three years.

This provision for government by Proclamation in the event of a breakdown of constitutional machinery is most undemocratic. Nothing like it exists in the constitutional law and practice of

Great Britain and other democratic states In the case of a deadlock between the executive and the legislature, the chief of the state dissolves the legislature and issues instructions for holding general elections The appeal is thus made to the electorate which resolves the deadlock. In India the Governor General, instead of giving the people a chance to approve or condemn the action of the legislature, suspends the legislature and takes into his hands its powers and those of other federal bodies Government by proclamation is nothing but autocratic and dictatorial rule The purpose of this provision is to prevent the Legislature from coercing the hands of the Governor General into a line of conduct which he does not think proper It is not designed to restore harmony between the legislature and the executive by an appeal to the electorate

THE FEDERAL COURT

Necessity of a Federal Court.— A federal constitution essentially involves the distribution of governmental functions between the government of the federation and the governments of the federating units Each has a clearly demarcated sphere of its own which it cannot transgress A federal constitution also postulates the supremacy of the written constitution No party is permitted to violate its provisions Any executive act or legislative measure of either the federal government or the government of a unit which goes against it, is null and void. A supreme court is needed to interpret the constitution and decide upon the legality or otherwise of the acts and measures of the various governments as well as to decide the disputes about jurisdiction which are likely to arise in a federation We thus find that there is no federal polity in the world but has its supreme judicial organ The Government of India Act also provides for the establishment of a Federal Court Though the Federation has not yet been formed, the Federal Court was brought into existence and began functioning on October 1, 1937

Its Constitution — The Federal Court is to consist of a Chief Justice and not more than six other judges The number of judges may be increased if the Federal Legislature presents an address to His Majesty through the Governor General asking for

an increase. As constituted at present it consists of a Chief Justice and two other judges. The judges are appointed by His Majesty and hold office till they attain to the age of sixty-five. A judge may resign office or be removed from it by the King on ground of misbehaviour or infirmity of mind if the Privy Council reports to that effect. Temporary vacancies may be filled by the Governor General.

The Federal Legislature and the Government of the Federation have not been given any voice or power in the appointment or removal of judges of the Federal Court, ostensibly with a view to keeping them outside the play of party politics and securing their independence and integrity of judgment. Indian opinion is strongly critical of placing the appointment etc. of judges in the hands of an outside authority, namely, the Secretary of State for India. It is feared that 'so long as the judges owe their allegiance, primarily and obviously, to an outside authority unconsciously biased in favour of the existing order, they cannot but,—quite unconsciously perhaps,—lean in favour of the class or power that gives them their place, and their importance in the scheme of life ... Hence the supposed attribute of impartiality induced or encouraged by this method of appointing Judges to the highest tribunal in India would fail to accomplish the object in view, while there is at least an equal danger of its promoting something quite the reverse'*

Qualifications of Judges — In order to be eligible for appointment as a judge of the Federal Court a person must have been for at least five years a judge of a High Court in British India or in a Federated State, or a barrister of England or Northern Ireland of at least ten years' standing or a member of the Faculty of Advocates in Scotland of at least ten years' standing, or a pleader of a High Court in British India or in a Federated State of at least ten years' standing. The Chief Justice must, at the time of his appointment, be a barrister, an advocate or a pleader of at least fifteen years' standing. The effect of this provision is to exclude civilians from appointment as Chief Justice. The Governor General can appoint any one of the federal judges to act as the Chief Justice in a temporary vacancy.

* K. T. Shah, *Federal Structure*, page 289

The Federal Court is not the supreme court. Appeals from its judgments lie to the Privy Council without leave from 'it in cases which (i) involve an interpretation of the Act or an Order-in-Council and the judgment is given in the exercise of its original jurisdiction, (ii) concern the extent of the legislative or executive authority vested in the Federation by virtue of the 'Instrument of Accession of a State, or (iii) arise from agreement made between the Federation and any Federating State in relation to the administration in that State of a law made by the Federal Legislature. In other cases appeals lie by leave of the Federal Court.

The Federal Court makes its own rules of procedure. The law declared by it is binding on, and must be followed by, all courts in British India. All authorities, civil and judicial, throughout the Federation are to act in aid of the Federal Court

THE FEDERAL RAILWAY AUTHORITY

Introductory— Railways in India constitute a federal subject and are not included in the list of the reserved subjects which are to be administered by the Governor General in his discretion. But neither do they come under the control of the popular ministers. Whereas under the Act of 1919, Railways are managed by a Railway Board which is under the control of the Member of the Viceroy's Executive Council in charge of Communications, and the Railway budget is presented separately by the Communication Member to the Central Legislature which can discuss it and vote a part of its grants, the Act of 1935 vests their control and management in a new authority created by it, and which is to be free from control by the Council of Ministers and the Federal Legislature except as regards general policy to some extent and the safety of passengers. This authority is to be known as the Federal Railway Authority. Provision for its establishment has been included in the Act presumably to satisfy the foreign bondholders of Indian Railways that their investment would be secure against interference by Indian politicians and the possibility of uneconomical and wasteful management. Distrust of Indians is thus writ large on the creation of the Railway Authority. Its compo-

sition, powers and functions have been defined in the Act, and the Federal Legislature has been debarred from changing them in any manner. Even for other matters the previous sanction of the Governor General is necessary.

Scope of the Authority — The executive authority of the Federation in respect of the regulation and the construction, maintenance and operation of railways is to be exercised by the Federal Railway Authority. The sphere of its activity extends to all federal railways and covers all undertakings and enterprises usually ancillary to railways, *e. g.* the construction and running of subsidiary motor services, keeping and maintenance of hotels and restaurants, workshops and foundries.

The Federal Government has the right to supervise the construction, equipment and operation of railways with a view to securing the safety of the passengers and the railway staff. It includes the power to hold inquiries into the causes of accidents etc. In the discharge of its functions the Authority is to be guided by such instructions as the Federal Government may give on matters of policy.

Composition etc. of the Authority — The Authority is to consist of seven persons. Of these not less than three are to be appointed by the Governor General in his discretion and the rest by the Federal Government, *i. e.*, by the Governor General on the advice of the Council of Ministers. The Governor General acting in his discretion is to appoint one of the members of the Authority as its President. The members hold office for five years but three of the members to be appointed in the first instance are to hold office for three years. They shall be eligible for re-appointment. The members of the Authority shall receive such salaries and allowances as the Governor General acting in his individual judgment may determine. They are not to be reduced during a member's tenure. To be a member of the Authority a person must have had experience in commerce, industry, agriculture, finance or administration. He must not have been a member of the Federal or Provincial Legislature, a railway official, or in the service of the Crown in India during the twelve months preceding appointment. A member may be removed from office by the Governor General.

if the latter is satisfied that he is unfit to hold office any longer. In this respect he shall act in his individual judgment

The Authority makes its own rules for regulating its business. All questions are to be decided by a majority of persons present and voting. In case of equality of votes the President shall have a casting vote. The Governor General may depute a person to take part in the proceedings of the Authority, but he shall have no right to vote.

The Authority shall have its own executive staff. The Chief Railway Commissioner, appointed by the Governor General in his individual judgment and after consulting the Authority, shall be its head. He is to be assisted by a Financial Commissioner to be appointed by the Governor General. The Financial Commissioner must be a person with experience of railway administration. Additional Commissioners may also be appointed. The Chief Commissioner and the Financial Commissioner will have the right to attend the meetings of the Authority.

In discharging its functions the Authority shall act on business principles, and pay due regard to the interests of agriculture, industry, commerce and the general public. As has been already stated, on questions of policy the Authority shall be guided by the instructions given to it by the Federal Government. If a dispute arises whether a question is one of policy or not, the decision given by the Governor General in his discretion shall be final. The Governor General is also empowered to frame rules in his individual judgment and in consultation with the Authority for the transaction of business arising out of the relations between the Federal Government and the Authority.

Railway Fund — The Railway Authority is required by the Constitution to establish and maintain a Railway Fund to which all monies received by the Authority on revenue or capital account or from other sources have to be paid and out of which all expenses have to be defrayed. The income of the Authority has to be spent for the following purposes : (a) defraying working expenses, (b) meeting payments due under contracts or agreements to railway undertakings, (c) paying pensions and contributions to provident funds, (d) repayments to the revenues of

the Federation so much of any pensions and contributions to provident funds as is attributable to service on railways in India, (e) the maintenance, renewals, improvements and depreciation of the stock, (f) interest charges, and (g) defraying other expenses properly chargeable against the revenue in that year.

Monies spent by the Government of India, before and after the passing of the Act of 1935, in connection with the railways in India shall be debited to the Authority who will have to pay interest on them and also contribute a definite amount towards the repayment of the debt. After meeting all the expenses charged on the Railway Fund, the surplus, if any, shall be divided between the Authority and the Federal Government on the existing basis or according to a scheme which may be adopted by mutual consent.

Railway Rates Committee — To give advice to the Authority in connection with disputes between them and the public about rates or traffic facilities, the Governor General is empowered to appoint from time to time a Railway Rates Committee. A Bill seeking to change or regulate the rates and fares to be charged by a railway can be introduced in the Legislature only on the recommendation of the Governor General.

Railway Tribunal — Provision is also made for the establishment of a Railway Tribunal to hear and decide disputes between the Authority and the State and to exercise such jurisdiction as may be conferred on it. It has all the powers of a court for conducting proceedings and passing orders etc. On a point of law only does an appeal lie from it to the Federal Court. Its president is one of the judges of the Federal Court. Besides the President it has two other members appointed by the Governor General in his discretion.

The net result of the creation of this new machinery would be to take Indian Railways out of the control of the national legislature and popular ministers and to give the Governor General acting in his discretion very great powers to shape and mould their administration through the Authority.

FEDERAL FINANCE

A federal polity requires not only the distribution of powers between the government of the Federation and the governments of the federating units, it also equally demands a statutory division of the sources of income between the two. The heads of revenue allocated by the Act of 1935 to the Federal Government are enumerated in the Federal Legislative List. The following are the more important of them - Custom duties; excise duties on goods produced in the country except liquors, opium, narcotic drugs, and medicinal toilet preparations containing alcohol; corporation tax; tax on salt; taxes on income other than agricultural income; taxes on capital; duties in respect of succession to property other than agricultural land; stamp duty in respect of bills of exchange, cheques, promissory notes, insurance policies etc., terminal taxes on goods or passengers carried by railway or air, taxes on railway freights and fares. The proceeds of duties in respect of succession to property other than agricultural land, stamp duties on bills of exchange etc., terminal taxes on goods or passengers carried by rail or air, and taxes on railway freights and fares in any financial year, though levied and collected by the Federal Government, are assigned to the Provinces and States and distributed among them in accordance with an Act of the Legislature. They do not form part of federal revenues. A certain percentage of revenue from income tax is also assigned to the Provinces. Duties on salt, federal excise duties and export duties are levied and collected by the Federal Government; but if an Act of the Federal Legislature so desires, a part or whole of their proceeds shall be paid to the Provinces and federated States from where they were collected. Surcharge on all duties levied by the Federal Government is credited to it. The revenue derived from the various sources by the Government of India in 1938-39 is stated below; the figures for the succeeding years, when available, have not been cited as they referred to abnormal years due to the war.

Customs	.	.	Rs	43,81,00,000
Central Excise Duties	..	..	Rs	7,76,00,000
Corporation tax	.	...	Rs	1,55,00,000
Income tax	..	...	Rs.	12,42,00,000
Salt	...	...	Rs.	8,35,00,000

Opium	Rs	44,00,000
Railways, net receipts	Rs	32,57,00,000
Irrigation, net receipts	Rs.	1,02,000
Post and Telegraphs, net receipts	Rs	74,61,000
Debt services	Rs.	66,33,000
Civil Administration	Rs	99,99,000
Currency and Mint	Rs	66,94,000
Civil Works	Rs	30,90,000
Defence Services	Rs	5,59,69,000
Extraordinary Items	Rs.	3,75,14,000
Other heads	Rs	1,06,57,000
Miscellaneous	Rs	1,54,86,000
		<hr/>
Total Rs		1,22,26,05,000

Reserve Bank of India.— Finance is a transferred subject to be controlled by a popular minister, but the preservation of the financial stability and credit of the Federal Government is one of the special responsibilities of the Governor General. The financial system of a country is closely linked up with its currency and exchange, and with a view to safeguarding its security it was necessary to ensure control over the latter. Hence the White Paper recommended that as a condition precedent to the inauguration of the Federation a Reserve Bank be established which must be entrusted with the task of controlling currency and credit, issuing banknotes and maintaining reserves. The Reserve Bank of India Act was passed by the Indian Legislature in 1934 and the Bank started functioning in 1935.

Its affairs are managed and controlled by a Central Board of Directors composed of a Governor and two deputy Governors appointed by the Governor General in Council, four directors nominated by the same authority, eight directors elected by the shareholders, and a Government official nominated by the Government of India. No bill affecting the constitution and functions of the Reserve Bank or the coinage and currency of the country can be introduced in the legislature without the previous consent of the Governor General given in his discretion.

In the appointment and removal of the Governor and Deputy Governors of the Reserve Bank and in determining their terms of

office and remuneration, in superseding the Board of Directors, and in the matter of the liquidation of the Bank, nomination and removal of the directors, the Governor General is to act in his discretion

Borrowing etc.— The Act also makes detailed provisions with regard to borrowing into which it is not necessary to enter. It also provides for the appointment of an Auditor General who shall perform such duties and exercise such power in relation to the accounts of the Federation and of the Provinces as may be prescribed by an Order of His Majesty-in-Council or by an Act of the Federal Legislature. He shall be appointed by the King and is removable by him. His salary, allowances, and pension and those of his staff are a charge on the Federal revenues

Chapter XII

PROVINCIAL GOVERNMENT

Introductory — The Provinces of British India along with such Indian States as accede to the Federation are the units of the proposed Indian Federation. The former are divided into Governors' Provinces and Chief Commissioners' Provinces. The following are the Governors' Provinces: Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North West Frontier Province, Orissa, and Sind. Sind, which formerly formed part of the Bombay Presidency, has been separated from it and formed into a new province. Similarly the Oriya speaking tracts of the old province of Bihar and Orissa have been separated, and together with some portions taken away from the neighbouring provinces constituted into a new province. Burma has been separated from India, and is no longer to be counted as a British Indian Province. In all there are eleven Governors' Provinces.

Provision is made in the Act for the creation of new provinces and for altering the boundaries of the existing ones. The King may do so by an Order-in-Council. Before the draft of such an order is laid before Parliament, the Secretary of State shall ascertain the views of the Federal Government, the Chambers of the Federal Legislature, and the Government and the Chamber or Chambers

of the Legislature of the Province affected

The Chief Commissioners' Provinces include British Baluchistan, Delhi, Ajmer-Merwara, Coorg, the area known as Panth Piploda, and the Andaman and Nicobar Islands (these islands are at present under Japanese control but may soon be reconquered). They stand on an altogether different footing from the Governors' Provinces, they are not to enjoy the benefits of provincial autonomy or responsible government but are to be administered by the Governor General through his agents, the Chief Commissioners who are appointed by him in his discretion. These provinces are usually of political or strategic importance and are therefore denied the privilege of responsible government. Except Coorg, none of them has a legislature. Only some of them are represented in the Central Legislature.

Provincial Autonomy — Perhaps the greatest and most fundamental of the changes introduced by the Act of 1935 is the new status assigned to the Governors' Provinces. They have now become '*autonomous*' political units, *i.e.*, each of them is to have an Executive and a Legislature having exclusive authority within the Province in a precisely defined sphere, and in that exclusively provincial sphere, broadly free from control by the Central Government and the Legislature. They cease to be mere territorial divisions with delegated authority. They now derive their powers and authority direct from the Crown and not from the Government of India. They have thus acquired an independent status and existence.

The meaning of 'Provincial Autonomy' established by the Act must be clearly understood. In popular mind it is generally understood to signify the freedom of the provincial government from external control and its responsibility to a popularly elected legislature. In the definition of the term quoted above (which is the one given by the Joint Parliamentary Committee) there is no reference whatsoever to the responsibility of the provincial government to the elected legislature, it simply lays stress on the fact that the autonomous provincial governments are to be free from the control and interference of the Government of India, each in its own territory and exclusively within the precisely defined provincial sphere. In this sense of 'autonomy' the Indian

States are also largely autonomous, and the Provinces at present governed under section 93 of the Act by Governors in their discretion are also autonomous. But neither in the States nor in the Provinces referred to there is an iota of responsible government. Autonomy can thus exist without responsible government, though the latter is impossible without the former. It is not 'provincial autonomy' in the stricter and narrower meaning of the term which is established by the Act but in the wider sense in which it includes responsible government. The Act of 1935 not only frees the Provincial Governments from dependence on and control by the Government of India to a large extent, it also makes the Provincial Executive responsible to the Provincial Legislature in the whole sphere of provincial administration. Dyarchy is abolished, all provincial subjects are placed under the control of ministers responsible to the provincial legislature. There is thus now no distinction between the reserved and the transferred subjects, and there are no executive councillors on a footing different from that of the ministers, as was the case under the Act of 1919.

It must however be remembered that there can be no complete and real autonomy and responsible government in a Province, so long as the Governor is vested with special powers and responsibilities in the discharge of which he is responsible to the Governor General, who can, in his discretion, issue directions to the former as to the manner in which he is to use his discretion and exercise his special powers. The power granted to the Governor General to issue orders to the Governor of a Province as to the manner in which the latter is to exercise the executive authority vested in him for preventing a grave menace to the peace and tranquillity of India or any part thereof constitutes a great derogation from provincial autonomy. The way in which the exercise of special powers by the Governor can reduce responsible government to a farce was very well illustrated in the experiences of Mr. Fazlul Haq, the ex-Premier, and Dr. S. P. Mukerjee, the ex-Minister of Bengal.

After having explained the nature and meaning of Provincial Autonomy, we proceed to describe the structure of Provincial Government as provided for in the Act of 1935. We shall first

deal with the Executive, next with the Legislature, and last with the Judiciary

THE PROVINCIAL EXECUTIVE

Its Form — In form the Provincial Executive is broadly similar to the Federal. The executive authority of a province is vested in the Governor as the representative of the Crown. He thus derives his power and authority direct from the Crown and not from the Governor General as his agent as was the case under and before the Act of 1919. The whole basis of provincial executive under the Act of 1935 is thus a fundamental departure from what it was under the Act of 1919. The Act of 1935 places all powers in the hands of the King-Emperor who acts as a reservoir from which the Governors (and also the Governor General) draw their authority.

The Governor — The executive authority of the Province extends to all matters enumerated in the Provincial Legislative List and the Concurrent List, it does not extend to matters in the Federal List. It is to be exercised by the Governor either directly or through officers subordinate to him. He is required by the Act to discharge his functions with the help and on the advice of a Council of Ministers to be appointed by him from among the members of the Provincial Legislature, except where he has to use his discretion or act in his individual judgment. In other words, like the Governor General, the Governor also is to exercise his executive authority in a threefold manner: he may act in his discretion, he may act in his individual judgment, he may act on the advice of the Council of Ministers. Since the matters which are left by the Act to his sole discretion and those in which he has special responsibilities are numerous and cover the whole field of administration as was admitted by Sir Samuel Hoare himself, the field of ministerial responsibility is very much restricted. His discretionary powers and special responsibilities eat into the very vitals of government. The Governor is thus not a mere constitutional head but possesses vast powers and holds a pivotal position in the administration of the province. The Joint Parliamentary Committee well observed: 'It is clear that the successful working of responsible government

in the provinces will be greatly influenced by the character and experience of the Provincial Governors. We concur with everything that has been said by the Statutory Commission on the part which Governors played in the working of the reforms of 1919 and we do not think that the part they will play in the future will be less important or valuable.

The Governor is appointed by the King on the advice of the Secretary of State for India. The Governors of the three Presidencies of Bombay, Madras, and Bengal are generally appointed from among men in the public life of Great Britain who either belong to the aristocratic class, or are distinguished parliamentarians, or have distinguished themselves in the British Civil Service. The Governors of the remaining eight provinces are recruited from among the ranks of senior I. C. S. people on the recommendation of the Governor General. Indian opinion has been consistently opposed to this practice, and the delegation from British India which gave evidence before the J. P. C. suggested that in future members of the Indian Civil Service should be debarred from appointment as Governors. The J. P. C. rejected the suggestion summarily. Governorships are the prize-posts reserved for the most intelligent and capable of British youths who make their mark as members of the Indian Civil Service. It is their ambition to crown their long career in India with appointment to the very highly lucrative headship of a province. The table on pages 116-17 stating the salaries and allowances payable to the various Governors will be found interesting.

It may also interest the reader to note that so far only one Indian has held the post of the Governor of a province in a permanent vacancy, and that only three others have officiated in temporary vacancies.

The Governor is usually appointed for a term of five years. At the time of his appointment he is given an Instrument of Instructions which contains directions as to the way in which he is to use his discretion and exercise his individual judgment in the discharge of his special responsibilities. 'It embodies the conventions or understandings of Responsible Government as regards the relation of the constitutional head with his Ministers'*

Discretionary Powers of the Governor.— Although there are no reserved departments in the sphere of provincial administration to be administered by the Governor in his discretion, the scope of his discretionary powers is vast enough to make him the controlling and dominating head of the provincial government. Their cumulative effect is to remove the most important part of the executive work from the sphere of his Council of Ministers and to enable him to dominate even the legislature with his powers of initiative and control. Prof K T Shah has enumerated as many as 32 different occasions on which he is authorised to act in his discretion. The more important of them are the following: deciding whether any matter is or is not one in which he is required to use his discretion or act in his individual judgment, presiding over the meetings of the Council of Ministers, to take steps to combat crimes of violence committed to overthrow the government, to make rules for securing that no member of any police force may divulge to persons (other than those authorised in this behalf) the sources from which information has been received regarding the criminal intentions of terrorists etc; to make rules for the more convenient transaction of the business of the Government, to make rules requiring Ministers and Secretaries to the Government to transmit to him all such information with respect to the business of the Provincial Government as is specified in the rules, and particularly those matters which involve any of his special responsibilities, removing certain disqualifications of a person enabling him to stand for the legislature, to summon or prorogue the Legislature and dissolve the Assembly, to summon the two Houses where there is bicameral legislature to a joint sitting, to decide whether any item of expenditure is votable or non-votable, to make rules for the timely completion of financial business of the Legislature, to prohibit the discussion or the asking of questions on certain subjects, to stop discussion or further discussion on a Bill or the clause of a Bill in certain cases, to enact Governor's Acts, to promulgate Ordinances, to make regulations for the peace and good government of excluded or partially excluded areas, to give sanction for the introduction of Bills of certain character in the Legislature, to give assent to or withhold assent from or reserve Bills for His Majesty's pleasure, to appoint

Salaries and allowances payable to

Name of Province	Annual Salary	Annual			
		Renewal of Furniture	Main- tenance of Furniture	Military Secretary and Esta- blishment	Surgeon and his Establish- ment
	Rs	Rs.	Rs.	Rs.	Rs.
Madras	1,20,000	14,000	21,500	1,12,000	36,600
Bombay	1,20,000	23,000	25,000	1,36,000	33,600
Bengal	1,20,000	20,500	34,000	1,21,000	34,800
United Provinces	1,20,000	4,000	14,500	1,16,000	—
Punjab	1,00,000	3,000	10,500	88,000	—
Bihar	1,00,000	4,500	13,000	75,000	—
C P and Berar	72,000	2,900	9,800	61,000	—
Assam	66,000	1,000	4,000	63,000	—
N. W. F. Province	66,000	1,750	5,000	68,000	—
Sind	66,000	1,000	4,000	59,000	—
Orissa	66,000	2,500	8,000	40,000	—

Provincial Governors

Allowances					Equipment allowances and travelling charges when appointed from England	Leave allowance per month
Band and Bodyguard	Tour Expenses	Sumptuary Allowance	Miscellaneous including calls	Total		
Rs	Rs	Rs.	Rs	Rs	£	Rs
1,69,000	1,13,000	18,000	92,000	5,76,100	2,000	4,000
1,23,000	65,000	25,000	1,08,000	5,38,600	2,000	4,000
1,50,000	1,22,000	25,000	1,00,000	6,07,300	2,000	4,000
—	1,25,000	15,000	23,000	2,97,500	1,800	4,000
—	60,000	12,000	21,700	1,95,200	1,500	4,000
—	60,000	6,000	21,700	2,80,200	1,500	4,000
—	26,000	6,000	16,600	1,22,300	1,200	3,000
—	55,000	6,000	14,100	1,43,100	1,200	2,750
—	18,000	6,000	14,100	1,12,850	1,200	2,750
—	30,000	8,000	17,800	1,19,800	1,200	2,750
—	35,000	6,000	11,500	1,03,000	1,200	2,750

the chairman and members of the Provincial Public Service Commission, and the appointment of his secretarial staff and the determination of their salaries, allowances etc

✓ **Special Responsibilities of the Governor.**— It is in the discharge of his special responsibilities that the Governor is required to exercise his individual judgment, *i. e.*, he has to consult his ministers but is not bound to accept their advice. They are as under —

1. The prevention of any grave menace to the peace or tranquillity of the Province or any part thereof

2. The safeguarding of the legitimate interests of minorities.

3 The securing to persons who are or have been members of the public services and to their dependents, of any rights provided or preserved for them under this Act, and the safeguarding of their legitimate interests

4. The securing, in the executive sphere, of protection against discrimination.

5. The securing of the peace and good government of partially excluded areas.

6. The protection of the rights of any Indian State and the rights and dignity of the Ruler thereof

7. The securing of the execution of orders or directions lawfully issued to him under part VI of the Act which deals with administrative relations, by the Governor General in his discretion.

The Governor of Sind has an additional special responsibility of securing the proper administration of the Lloyd Barrage and Canals Scheme. The Governor of the Central Provinces and Berar is charged with the responsibility of seeing that a reasonable share of the revenues of the Province is spent for the benefit of the residents of Berar. It should be observed that the Governors have no special responsibility for safeguarding the financial stability and credit of the Province, and the prevention of any act which would subject goods of the United Kingdom or of Burmese origin imported into India to discriminatory treatment. Coinage, currency and exchange, and the imposition of custom duties being the con-

cern of the Federal Government, there was no occasion for the inclusion of them in the special responsibilities of the Provincial Governors.

Besides these special responsibilities there are a few other matters also where the Governor is authorised to act in his individual judgment. The more important of them are the following: the appointment and dismissal of the Advocate General of the Province and the determination of his salary, promulgation of Ordinances during the recess of the Legislature, amendment of police rules, certain matters connected with the Services, declaration that the Ruler or any subject of a specified Indian State or any native of a specified tribal area or territory adjacent to India shall be eligible to hold civil office in the provincial administration.

In the discharge of his special responsibilities and the use of discretionary powers the Governor is responsible to and under the control of the Governor General. He is required to comply with all the directions the latter may issue in his discretion. This provision stands in the way of a progressive and liberal-minded Governor voluntarily consulting his ministers and abiding by their advice in matters lying within the scope of his discretionary powers and individual judgment.

The special powers and responsibilities of the Governor constitute a serious infringement upon responsible government in the Province. As long as they remain and are enforced, so long would the Governor possess plenary power and be something more than a mere constitutional head. Of course, he was never intended to be an ornamental head, as has been stated above, he is expected to play a vital role in the administration of the Province and act as the custodian of British interests.

The Governor also possesses important powers of legislation. His relation to the Legislature and his legislative and financial powers will be described in the next section dealing with Provincial Legislature. We shall conclude this review of his powers with a brief reference to his emergency powers. If at any time he is satisfied that a situation has arisen under which the government of the province cannot be carried on in accordance with the provisions of the Act, he may issue a Proclamation declaring that

to the extent specified in it his functions shall be exercised by him in his discretion, and that he assumes all or any of the powers vested in and exercisable by any provincial body except the High Court. He is thus empowered to suspend in whole or in part the operation of the Act. This power of issuing Proclamation is similar to that of the Governor General in the Federal sphere and is subject to the same conditions. It is not necessary to repeat what has been said on pages 100-01 in this connection.

It will be thus obvious that 'the Governor's powers are the same for the province as the Governor General enjoys for the whole country, with the distinction that, while he has no Reserved Departments under his personal control and no special responsibility for finance, he has the Excluded Areas to administer in his discretion and the Partially Excluded Areas according to his individual judgment and the extra obligation to execute the Governor General's orders.'*

The Council of Ministers.— Although the executive authority of the Province is vested in the Governor and is to be exercised in his name, the Act provides for a Council of Ministers to aid and advise him in the exercise of his functions except in so far as he is required by the Act to exercise them in his discretion. The Act does not say anything about the way in which the Governor is to appoint his Council of Ministers or about their relation to the Legislature except that they are to be summoned and chosen by him in his discretion and that they hold office during his pleasure. A Minister ceases to hold office if he is not a member of the Provincial Legislature for a period of six consecutive months. Correctly to understand the position of the Ministers in relation to the Governor and the Legislature, the Act must be read along with the Instrument of Instructions. It is laid down in the latter that the Governor should appoint his ministers in consultation with the person who in his judgment is likely to command a stable majority in the Legislature, and that they should collectively command the confidence of the Legislature. In other words, the Governor is asked to invite the leader of the majority party in the Legislature to form the ministry and to appoint those

* Masani and Chintamani, *India's Constitution at Work*, page 89

persons whom he recommends as his Ministers. It is only thus that the spirit of collective responsibility can be fostered and encouraged. Though according to the Act the Ministers are to hold office during the pleasure of the Governor, what is contained in the Instrument of Instructions signifies that they are to resign office if the Legislature shows want of confidence in them. The observance of the principle of responsible government is sought to be secured in this manner. The Instrument of Instructions is made the vehicle of its introduction and development.

There is one difficulty in the way of the working of the Cabinet type of government in the provinces. The Instrument of Instructions enjoins upon the Governor to see that so far as practicable important minority communities should be represented in the ministry. Under the system of separate communal representation in vogue in our country, it may not always be possible for a majority party to contain representatives of important minorities. It is not easy to say what would happen when the majority party has no member belonging to the minority community. If the Governor insists upon the observance of the provision contained in the Instrument, a deadlock is bound to arise. He may, however, take cover under the saving clause 'so far as is practicable' and allow the minority to go without a seat in the cabinet. The fact that the salaries of the ministers, after they have been once determined by an Act of the Legislature, are not subject to its vote at the time the Budget is considered by the Legislature is also inconsistent with the spirit of responsible government. An important means of enforcing responsibility is thus taken away from the Legislature. The provision that the Governor may in his discretion preside over the meetings of his Council of Ministers is another departure from the practice associated with the working of the cabinet type of Government in Great Britain.

Since the ministers are to be practically selected by the Prime Minister or Premier as he is more popularly called, no qualifications can be laid down for them except that they must be members of the Legislature. And since for continuing in office they depend upon the support of the Legislature, they have no fixed tenure of office. The ministry remains in office so long as it retains a majority in the Provincial Assembly. The Act does

not say anything about the number of ministers a province may have. Their number has varied from province to province, apparently without regard to its size and population. Assam had eight ministers while the United Provinces had six, and the Central Provinces only five. At one time Bengal had as many as eleven ministers.

The Provincial Cabinets work on the portfolio system. Each minister is put in charge of one or more departments for whose administration he is held responsible. Ordinary and routine matters are disposed of by the minister in charge of the department himself, important questions of principle and policy are discussed and decided by the Cabinet as a whole. To assist him in administering the department or departments under his charge, a minister is given one or more parliamentary secretaries. These officials are generally found in countries having the parliamentary form of government.

The Provincial Executive is thus of the cabinet or parliamentary type. It consists of the Governor who represents the Crown as the supreme head of the Province, and a Council of Ministers responsible to the legislature. The Provinces thus enjoy responsible government. The discretionary powers and special responsibilities of the Governor restrict the scope of responsible government. Communal electorates and communal parties, the scheme of representation in the Provincial Legislature, and the power of the Governor to suspend the Constitution are inconsistent with the principles of responsible government and retard its development. Full and genuine responsible government cannot thus be said to have been conceded by the Act even in the provincial sphere. Nevertheless, the Act of 1935 is a great advance on the Act of 1919.

PROVINCIAL LEGISLATURE

Its Constitution.— While all the Governors' Provinces have essentially the same executive, in the constitution of their legislatures they show difference in one fundamental respect. Six of them—namely, Assam, Madras, Bengal, Bombay, Bihar, and the United Provinces (the student can easily remember their names with the help of the mnemonic word *ambu*)—have a bicameral legislature. The lower and more democratic chamber is called

the Legislative Assembly, and the upper chamber which is more oligarchic is known as the Legislative Council. The remaining Provinces—namely, the Punjab, the Central Provinces and Berar, the North-Western Frontier Province, Orissa, and Sind—have each a single chamber called the Legislative Assembly. In every province the Governor as the representative of the King Emperor is an integral part of the Legislature.

The Act of 1935 introduces the bicameral system of legislature in some of the provinces for the first time. The question of introducing it in the provinces was considered and rejected by Mr. Montague and Lord Chelmsford on the ground that it was unnecessary and inexpedient. The J. P. C. came to a different conclusion and accepting the proposal of the White Paper recommended the establishment of second chambers in five provinces. The British Parliament added Assam to the list. If the arguments for and against its introduction are carefully considered and weighed, it will be found that the case rests on very weak foundations. Indian opinion regards it as a retrograde step and as an unwanted and unwarranted brake upon progressive legislation on matters social, economic and political. It is a concession to vested interests which were afraid lest the introduction of democracy should adversely affect them.

The introduction of second chambers is sought to be defended on the following grounds: (1) In view of the enlarged powers of the provincial legislatures it was necessary to create second chambers in some provinces to give representation to vested interests. On examination it would be found that vested interests are strong in all the six provinces where the system has been introduced. In the U. P., and Bengal and Bihar there are big landlords, then zemindar interests had to be safeguarded, in Madras and Bombay there are strong capitalist interests as much deserving of protection as the zemindar interests in the first named three provinces. In Assam there are the powerful tea planters. (2) The second chamber is deemed to be necessary as providing a safeguard against hasty, rash, and ill-considered legislation which the lower chamber is calculated to pass because of the strong popular element it is expected to have. This point is well put by Lord Halifax in the following words: 'In India, embarking upon a new

career of responsible legislative power, there is everything to be said, where material for such Chambers exists, for establishing such Chambers for the purpose of revision and the encouragement of prudent legislation and to resist imprudent legislation at all events, giving the other Chamber the opportunity of second thought. It is not to entrench privilege or afford merely one more tiresome check upon the opportunities in India to adopt a progressive policy.*

Progressive Indian opinion is opposed to the system on the ground that the second chambers, dominated as they would be by vested interests, would be highly conservative and reactionary in outlook, and would therefore impede progressive social and economic legislation. It is also contended that it would be difficult to find suitable personnel to man the second chambers in the provinces. Persons of requisite qualifications to act as elder statesmen are not available in sufficient number. In the third place, it is argued that in view of the ample safeguards provided in the shape of the special powers and responsibilities of the Governor, any further check upon hasty and imprudent legislation by the provincial assemblies is uncalled for. The fear that the second chambers would act as citadels of reactionary politics and add much to the cost of administration has been borne out by the experience of their working.

Composition of the Legislative Councils — The composition of the Legislative Councils in the six provinces named above where the bicameral system has been introduced is set forth in the table given below :

Province	Total of Seats	General Seats	Moham Seats	European Seats.	Ind Chris Seats	Seats to be filled by Leg. Ass.	Seats to be filled by Governor
Madras.	Not less than 54 not more than 56	35	7	1	3		Not less than 8 not more than 10
Bombay.	Not less than 29 not more than 30	20	5	1	1		Not less than 3 not more than 4
Bengal	Not less than 63 not more than 66	10	17	3	—	27	Not less than 6 not more than 8
U. P.	Not less than 58 not more than 60	34	17	1	—		Not less than 6 not more than 8
Bihar	Not less than 29 not more than 30	9	4	1	—	12	Not less than 3 not more than 4
Assam	Not less than 21 not more than 22	10	6	2	—		Not less than 3 not more than 4

* Quoted by Joshi, *The New Constitution of India*, page 213.

The seats to be filled by the Assembly in Bengal and Bihar are to be filled in accordance with the system of Proportional Representation by means of single transferable votes. In each case the Governor has been given the power to nominate a limited number of persons to the Council in order to provide representation for special interests, particularly for women, and also to redress any possible inequality.

Like the Federal Council of State, the Provincial Legislative Councils are to be permanent bodies not subject to dissolution. Nearly one-third of the members retire every three years. Members are elected for a term of nine years. When the Councils were first constituted in 1937, the Governor of each province, acting in his discretion, curtailed the tenure of one-third of the members to three years, and of the other one-third to six years to provide for the election of nearly one-third of the members at the end of every three years. A member chosen to fill a casual vacancy will be chosen for the remainder of his predecessor's term of office.

Composition of the Legislative Assemblies — The table on the next page sets forth the scheme of the composition of the Legislative Assemblies in the various provinces. It will be observed that each Assembly consists of elected members only, the nominated bloc which formed such an important feature of the provincial legislatures under the Act of 1919 has been done away with altogether. The total of seats is, in each case, divided among the communities and interests according to the scheme embodied in the notorious Communal Award given by Mr Ramsay Macdonald in 1932, as modified by the Poona Pact. The Award has created as many as 17 different electorates. They are as follows: 1. General electorates consisting of the Hindus and such communities as have not sought and obtained separate communal representation, e.g., the Parsis. 2. Seats reserved for the Scheduled Classes in accordance with the Poona Pact, but out of general seats. 3. Electorates for Mohammadans. 4. Electorates for Europeans. 5. Electorates for Anglo-Indians. 6. Electorates for Indian Christians. 7. Electorates for Sikhs in the Punjab and the North West Frontier Province. 8. Electorates for Commerce and Industry including mining and planting.

Provincial Legislative Assemblies

TABLE OF SEATS

Province	Total Seats	General Seats		Seats reserved for Back-ward areas and tribes	Sikh Seats	Muhammadan Seats	Anglo-Indian Seats	European Seats	Indian Christian Seats	Seats reserved for Commerce and Industry	Landlords' Seats	University Seats	Labour Seats	Seats for Women				
		Total of General Seats	General seats reserved for Scheduled Classes											General	Sikh	Muhammadan	Anglo-Indian	Indian Christian
Madras	215	146	30	1	—	28	2	3	8	6	6	1	6	—	—	1	—	1
Bombay	175	114	15	1	—	29	2	3	3	7	2	1	7	—	—	1	—	—
Bengal	250	78	30	—	—	117	3	11	2	19	5	2	8	2	2	2	1	—
United Provinces	228	140	20	—	—	64	1	2	2	3	6	1	3	4	—	2	—	—
Punjab	175	42	8	—	31	84	1	1	2	1	5	1	3	1	1	2	—	—
Bihar	152	86	15	7	—	39	1	1	1	4	4	1	3	3	—	1	—	—
Central Provinces & Berar	112	84	20	1	—	14	1	1	—	2	3	1	2	3	—	—	—	—
Assam	108	47	7	9	—	34	—	—	—	11	—	—	4	1	—	—	—	—
N. W. F. Province	50	9	—	—	3	36	—	—	—	—	2	—	—	—	—	—	—	—
Orissa	60	44	6	5	—	4	—	—	1	—	2	—	1	2	—	—	—	—
Sind	60	18	—	—	—	33	—	—	—	2	2	—	1	1	—	1	—	—
Total	1585	808	151	24	34	482	11	26	20	56	37	8	38	28	1	10	1	1

interests. 9 Electorates for Landlords 10 Electorates for Labour
 11 University Electorate. 12. Electorates for backward areas and
 tribes 13 Electorates for women, general 14 Electorate for Sikh
 women in the Punjab. 15. Electorates for Muhammadan women,
 16. Electorate for Indian Christian women in Madras, 17 Electorate
 ✓ for Anglo-Indian women in Bengal The seats assigned to each
 of them are fixed by the Award for each province The essence of
 the scheme is that the Muslims vote for the Muslims, the Sikhs for
 the Sikhs, the Europeans for the Europeans, the Anglo-Indians for
 the Anglo-Indians, and the Indian Christians for the Indian Chris-
 tians only No Muslim, Sikh, European, Indian Christian and
 Anglo-Indian can stand from a General constituency or be a voter
 in it The result of this system of communal representation through
 separate electorates is to divide the nation into water-tight com-
 partments, destroy national unity, and foster and encourage selfish
 and separatist tendencies Unless the parties mutually agree to
 abandon the system, it shall continue.

The Award gave special representation through separate
 electorates to the Scheduled Classes also, inspite of the warning
 given to the British Government by Mahatma Gandhi that he
 would resist with his life any scheme to disintegrate the Hindu
 community When the Award was published, Mahatmaji
 gave notice to the British Government that he would fast unto
 death unless separate electorates for the Depressed Classes were
 given up There was a great stir in the country when
 Mahatmaji entered upon his historic fast in the Yerwada Jail
 The representatives of the Caste Hindus and the Scheduled Classes
 met together and arrived at a mutually agreed scheme which gave
 the Depressed Classes almost double the number of seats allotted
 by the Award but retained common electorates with the Hindus
 According to the Poona Pact the seats reserved for the Depressed
 Classes are to be filled by an unusual form of double election.
 All members of the Depressed Classes whose names are entered in
 the electoral roll of a general constituency which is to return one
 Scheduled Class representative will elect a panel of four men
 from amongst themselves The four candidates who receive the
 highest number of votes in this primary election will be the
 only candidates eligible to stand for election from the constituency

at the time of general election when the whole body of electors, caste Hindus and members of the Depressed Classes, will vote together, and the candidate receiving the highest number of votes will be returned as the representative of the Depressed Classes

The Legislative Assemblies, unless sooner dissolved by the Governors in their discretion, are to continue for a period of five years from the day of their first meeting. Their term cannot be extended by the Governor. A person cannot be a member of both Chambers of the provincial legislature. He cannot also be a member of both the Federal Legislature and a Provincial Legislature. If he is elected to both, he has to resign his seat in one of them. If he does not do so within a period specified by the Governor, his seat in the Provincial Legislature will be declared vacant.

Composition of the U. P. Legislature — It is composed of the Governor as the representative of the King-Emperor, and two Chambers respectively called the Legislative Council and the Legislative Assembly. The Legislative Council consists of not less than 53 and not more than 60, members of whom not less than 6 and not more than eight are nominated by the Governor. Of the remaining 52 elected seats, 34 are General, 17 Muslim, and 1 is the European seat. The Legislative Assembly contains 228 members. Out of them, 140 represent the General constituencies, 20 represent the Scheduled Classes, and 64 are Muslims. Europeans and Indian Christians have two representatives each, and Anglo-Indians one. There are three representatives of Commerce and Industry, three of Labour, and six of Landlords. The three provincial universities have one representative. There are 6 women's seats in all, 4 General and two Muslim.

Franchise for the Assembly — The Act does not lay down franchise qualifications. They are determined by an Order-in-Council which generally follows the findings of the Franchise Committee presided over by Lord Lothian. Under the Act of 1919 the right to vote was extended to about 3 % of the total population. The Simon Commission recommended the enfranchisement of not less than 10 % of the population. The First Round

Table Conference wanted the right to be extended to about a quarter of the total population. Progressive Indian opinion has for long demanded the introduction of universal adult franchise. The Franchise Committee appointed by the Second R T C enfranchised about 14 % of the total population of British India. The present electorate consists of some 35 million voters of whom between 28 and 29 million are males and over 6 million females, as compared with 7 million males and three hundred and fifteen thousand females under the old franchise. About 10 % of the Scheduled Classes have been enfranchised.

In order to be entitled to get his or her name registered in the electoral roll of a constituency, a person has to satisfy several types of qualifications. He must be a British subject, or the Ruler or a subject of a State which has acceded to the Federation, or a subject of any prescribed Indian State, and must be 21 years of age at least. If the constituency is a Muslim, Sikh, Indian Christian, Anglo-Indian or European constituency, he must be a Muslim, a Sikh, an Indian Christian, an Anglo-Indian, or a European respectively. No one who is entitled to be a voter in any one of these constituencies can be a voter in a General constituency. This does not apply to general seats reserved for women in Assam and Orissa. In every case, the person must have resided in the constituency for a period which varies in different provinces, being 120 days in Madras and 180 in Bombay. In addition, he must satisfy at least one of the following qualifications: payment of income-tax, of land revenue or rent in respect of agricultural land, of house-rent in cities and municipal tax above a certain minimum. Possession of certain educational qualifications, e g, having passed the matriculation examination, or being a discharged, pensioned or retired officer or soldier in the army also entitles a person to become a voter. Special qualifications have been laid down for women and members of the Scheduled Classes to secure their adequate representation.

Electoral qualifications vary according to the circumstances prevailing in different provinces. Their general effect is however to enfranchise nearly the same classes and categories of population in all the provinces. Here we shall describe the qualifications as they are in force in the United Provinces.

Subject to the general qualifications with regard to age, residence, etc mentioned above, a person is qualified to get his (or her) name included in the voters' list in a constituency, if he (or she) satisfies any *one* of the following qualifications :

1 Qualifications with regard to Taxation · He must have been assessed to income-tax in the previous financial year, or to a municipal tax on an income of not less than Rs. 150/- per annum.

2. Qualifications dependent on Property He must be the owner or tenant of a house or building in the constituency the annual rental value of which is not less than Rs 24/- per annum, or he must be the owner of land in respect of which land revenue of not less than five rupees a year is payable, or the tenant of a land in respect of which rent of not less than ten rupees a year is payable or an under-proprietor of land in Oudh in respect of which an under-proprietary rent of not less than five rupees is payable, or if he resides in any of the Hill Patts of Kumaon, he must own a fee simple estate, or be a *khaikai*, or the owner of land in respect of which land revenue or cesses of any kind are payable

3 Educational Qualifications — He must have passed the Upper Primary or an equivalent examination

4 Service Qualifications — He must be a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's regular military forces.

A person is qualified to be included in the electoral roll of a territorial constituency in any of the Hill Patts of Kumaon if, subject to general qualifications, he is a Shilpakar and designated as such by the Shilpakar families of the village

5 Additional qualifications for Women — A woman is qualified to be a voter if, subject to the general qualifications as regards age, residence, etc, she is the pensioned widow or the pensioned mother of an officer, non-commissioned officer, or soldier of His Majesty's regular military forces, or if she is literate, or if her husband is the owner or tenant of a house or building whose rental value is not less than Rs 36/- per annum, or pays municipal tax on an income of not less Rs 200/- per year, or owns land in respect of which land revenue amounting to not less

than Rs 25/- is payable, or, if a resident in the Hill Patts of Kumaon, owns a fee simple estate, pays land revenue or is a *khatkar*, or is an under-proprietor or occupancy tenant in Oudh of land in respect of which land revenue of not less than Rs 25/- is payable, or is a tenant holding land in respect of which a rent of not less than Rs 50/- is payable, or is assessed to income tax, or is a pensioned or discharged officer or soldier in His Majesty's regular army. It may be stated that the writing of an application by a woman is accepted as sufficient proof of her being literate for electoral purposes.

In some provinces special qualifications are laid down for members of the Scheduled classes. For example, in the Punjab, a Scheduled class member is entitled to be included in the electoral roll of a constituency if he is literate, or in the previous year has owned immovable property in the Province, not being land assessed to land revenue, of the value of not less than fifty rupees, or has owned in the previous year *malba* of a house of the value of not less than Rs 50/- or has during the preceding year occupied as tenant immovable property in the constituency of the rental value of not less than Rs 36/- a year.

No person who is declared to be of unsound mind by a competent court, or is declared guilty of corrupt practices and other offences in connection with elections, or who is undergoing a sentence of transportation or imprisonment, is entitled to get his name included in the electoral roll of a constituency. No person can vote unless his name is on the electoral roll of a constituency. If the name of the person appears on the electoral roll of more than one territorial constituency, he cannot vote in more than one such constituency. In other words, plural voting in territorial constituencies is not permitted. But if a constituency is asked to return two or more members, a voter will have two or more votes. A person may have one vote in a territorial constituency and another vote in a non-territorial constituency, e g, in the university constituency.

Franchise for the Legislative Council — Subject to the general qualifications in respect of residence, etc, a person is entitled to become a voter for the United Provinces Legislative Council if he

or she pays income tax on an annual income of not less Rs 4,000/- , or pays land revenue amounting to not less than Rs 1,000/- per year, or rent amounting to not less than Rs 1500/- a year, or holds a title not lower than that of Rao Bahadur, or has been a member of any legislature, minister, executive councillor, member of the senate or court of a university, a High Court Judge, the president of a municipal or district board, or the chairman of a central co-operative bank. A woman is entitled to become a voter if her husband pays income tax on an annual income of not less than Rs. 10,000/- per year, or land revenue of not less than Rs 5,000/- a year. A Harijan can become a voter if he pays income tax or an income of Rs 2,000/- or pays land revenue of Rs 200/- or rent of Rs 500/- per year.

Qualifications regarding membership of a Provincial Legislature.— A person is not qualified to be chosen a member of a Provincial Legislature if he or she is not a British subject, nor the Ruler or subject of a State which has acceded to the Federation, nor a subject of a prescribed State in that behalf, and is not less than 25 years of age in the case of a seat in the Legislative Assembly, and not less than 30 years of age in the case of a seat in the Legislative Council. Further, his or her name must be included in the electoral roll of some constituency in the Province.

No person can be elected to the Legislature if he or she holds any office of profit under the Crown in India other than an office declared by an Act of the Provincial Legislature as not disqualifying its holder on this ground. The Act of 1935 lays down that a member of the Council of Ministers, Federal or Provincial, shall not be deemed to hold an office of profit under the Crown. Persons declared to be of unsound mind by a competent court, or undischarged insolvents, or who have been convicted of an offence or a corrupt practice in relation to elections which has been declared to be an offence entailing disqualification for membership of the Legislature by an Act of the Legislature or by an Order-in-Council, and unless such period has elapsed as may be specified in that Act or Order, or have been sentenced to transportation or imprisonment for not less than two years, unless a period of five years or less as the Governor may allow in a particular case, has elapsed since

then release, or are undergoing a sentence of imprisonment or transportation, cannot become members of the Legislature. Failure to lodge a return of election expenses disqualifies a candidate for election or his election agent for membership of the Legislature for five years or until it is removed by the Governor in his discretion.

Officers and Sessions, etc., of the Legislature.— Every Chamber elects from among its members two officers called the Speaker and the Deputy Speaker in the case of the Legislative Assembly, and the President and the Deputy President in that of the Legislative Council. Each of them may resign his office or be removed from it by a majority of the members on fourteen days' notice. Their duties are similar to those of the presiding officers of the House of Assembly and the Council of State. All questions are decided by a majority of the members present and voting. One-sixth of the members constitute the quorum for the Assembly and ten for the Council.

The sessions of the Chambers are called by the Governor who also prorogues them. More than six months should not elapse between two sessions of the Legislature. Every minister has the right to address and speak in each Chamber but can vote only in the Chamber to which he belongs. The Advocate General also has the right to participate in the proceedings of either Chamber but not the right to vote.

The members shall receive such salaries and allowances as may be determined by the Legislature. Their privileges are of the same nature as those of the members of the Federal Legislature. They have the right to express their opinions on subjects discussed in the legislature freely and fearlessly. No action can be taken against them in any court of law for the views expressed or the votes given on the floor of the House. This freedom of speech is not absolute, it is subject to the rules and regulations made by the Legislature. It should be remembered that this freedom does not extend to unofficial publication of the speeches delivered in the Legislature. The other privileges of the members are to be such as may be defined from time to time by Acts of the Legislature.

Powers and Functions — The powers and functions of a Provincial Legislature are greatly similar to those of the Federal Legislature. They may be described under four different heads : legislative, financial, administrative, and deliberative

(a) *Legislative Powers* — The Provincial Legislature is the sole law-making agency in the Province. It has the exclusive power to make laws for the whole or any part of the province on matters enumerated in the Provincial Legislative List. Except under an emergency or with the consent of two or more Provinces, the Federal Legislature has no power to legislate upon them. The Provincial Legislature has concurrent powers with the Federal Legislature to make laws on matters enumerated in the Concurrent Legislative List. It has no power to legislate on matters included in the Federal Legislative List which are exclusively within the jurisdiction of the Federal Legislature.

Like the Federal Legislature, the Provincial Legislatures are non-sovereign legislating bodies. Their legislative competence is restricted in several ways. In view of what has been said about the Federal Legislature on this topic*, it is not necessary to enter into details here. It is sufficient to point out that there are certain matters on which the Provincial Legislatures cannot legislate at all, and other matters legislation concerning which cannot be undertaken without the previous sanction given by the Governor in his discretion. The Governor possesses a real veto over the legislature. The Governor of a Province can reserve a Bill for the consideration of the Governor General who may either assent to it on behalf of the King-Emperor, or return it to the Provincial Legislature for reconsideration, or reserve it for His Majesty's consideration. Above all there is the power vested in the King to disallow a Bill to which the Governor or the Governor General has given assent. Provisions with regard to discrimination are also in the nature of restrictions on its authority. It is hardly necessary to remind the reader that the Provincial Legislatures have no constituent powers.

There is an additional restriction on the legislative powers of a Provincial Legislature. The previous sanction of the Governor General given in his discretion is necessary for the introduction

* See *Supra* page 99.

in the Provincial Legislature of a Bill which repeals or amends any provision of any Act of the British Parliament extending to British India, repeals, amends or is repugnant to any Ordinance promulgated by the Governor General or to any Act enacted by him, or affects matters in which the Governor General is to act in his discretion, or affects the procedure in criminal cases in which European British subjects are involved

(a) *Financial Powers* — The financial powers of a Provincial Legislature are broadly similar to those of the Federal Legislature. Except in one important respect the financial procedure is identical in the two spheres, the difference being that whereas in the Federal Legislature the Council of State has been given the power to vote supplies along with the House of Assembly, in the provincial sphere, even where the bicameral system has been introduced, the power to vote supplies is the exclusive concern of the Legislative Assembly, the Legislative Council has nothing to do with the voting on demands for grants.

Like the Federal Legislature, a Provincial Legislature has no initiative in financial matters. All proposals for imposing or increasing taxation, borrowing money, and for charging expenditure on provincial revenues must come with the previous recommendation of the Governor. The initiative thus lies with him. He causes the Annual Financial Statement to be laid before the Chamber or Chambers before a financial year starts. The Statement must show separately (i) the sums required to meet expenditure charged on the provincial revenues and thus not requiring the vote of the Assembly, and (ii) sums required to meet other expenditure not so charged and therefore standing in need of the Assembly's vote. If there are any sums *included solely* because the Governor has directed their inclusion as being necessary for the proper discharge of any of his special responsibilities, they have to be shown separately. Any question whether any proposed expenditure is a charge on provincial revenues or not is to be decided by the Governor in his discretion. The following are the items of expenditure charged on provincial revenues.

(a) Salaries and allowances of the Governor and other expenditure relating to his office for which provision is made by an Order-in-Council.

(b) Debt charges for which the Province is liable, including interest, sinking fund and redemption charges, expenditure incurred in raising loans and the service and redemption of debt

(c) Salaries and allowances of the Ministers and the Advocate General. There is neither precedent nor warrant for making the salaries of the Ministers a non-votable subject. This is inconsistent with true parliamentary procedure.

(d) Salaries and allowances of the High Court Judges.

(e) Expenditure incurred in connection with the administration of Excluded areas

(f) Sums required to satisfy the judgment, award or decree of any court.

(g) Any other expenditure charged by the Act.

Though not subject to the vote of the Assembly, all these items except the salary and allowances of the Governor can be discussed by the Legislature. Votable expenditure must be submitted to the Legislative Assembly in the form of demands for grants. The Assembly may refuse a grant, reduce it, or assent to it. It cannot increase or transfer it.

After the voting on the various demands is over, the Governor authenticates by his signature a schedule, specifying (i) the grants made by the Assembly, (ii) the grants reduced or refused by the Assembly but included by him as being necessary for the proper discharge of any of his special responsibilities, and (iii) the sums charged on the revenues of the Province. The authenticated Schedule is to be laid before the Assembly but is not open to discussion or voting. No expenditure from the revenues of the Province is authorised unless it is in accordance with the authenticated Schedule. If in the course of the financial year further expenditure becomes necessary, a Supplementary Statement has to be placed before the Assembly and the same procedure has to be gone through.

It is thus clear that as in the Federal Government, so in the case of Provincial Governments, a substantial portion of the revenues is spent on purposes over which the Legislature has no control. This portion is much greater in the Federal than in the Provincial sphere because there are no reserved departments

in the latter. Over the rest of the budget, the control of the Legislature is subject to the power of the Governor to restore a refused or reduced grant if the refusal or the reduction affects the due discharge of any of his special responsibilities. The financial powers of the Provincial Legislature are thus limited and restricted in various ways.

(c) *Control over Administration* — A Legislature exercises supervision and control over administration through its power of voting supplies, moving motions of adjournment and resolutions on important questions of policy, and asking questions and supplementary questions. The Provincial Legislatures have all these powers granted to them. We have examined the extent to which they control finance. Since the tenure of the Ministers practically depends upon the pleasure and good-will of the Legislative Assembly, the resolutions adopted by the latter have to be given effect to by the administration. The question hour is a very lively and interesting time of which the members make a very good use in exposing the acts of omission and commission of the executive. The Committees set up by the Legislature are also highly useful for this purpose.

It should be remembered that in so far as the Governor administers any affair in his discretion or in the exercise of his individual judgment, the Legislature is precluded from exercising any effective control over it. The fact that the superior Services, though working under the popular Ministers, are not subject to their control (The ministers cannot take any disciplinary action against them), also reduces the control of the Legislature over the administration.

(d) *Deliberative Powers* — Subject to the power of the Governor to prohibit questions and resolutions on certain subjects, the Provincial Legislature has full power to move resolutions and discuss important questions of national policy. The power of the Legislature to mould and shape the policies of the Provincial Government is more real and less restricted than its financial powers and the power to control administration.

Legislative Procedure — A Bill other than a Finance Bill may originate in either Chamber. A Finance Bill can originate only

in the Assembly. Every Bill has to pass through the following stages. A member who wishes to introduce a Bill must first obtain leave of the House to move it. He may make a short speech in its support. Any member may oppose its introduction. If there is opposition, the question is put to vote without further discussion, and decided by majority of votes. After it has been introduced, it must be published in the Gazette. Sometimes the Governor orders the publication of a Bill in the Gazette even though no motion has been made for leave to introduce it. In such a case there is no need to obtain leave. After the Bill has been introduced and published in the Gazette, its sponsor moves that it be read for the first time. This constitutes the *first* reading. At this stage only the general principles are discussed; consideration of details is not permitted. If the Bill passes the first reading, it is usually referred to a Committee for detailed examination, or circulated for eliciting public opinion and then referred to a Select Committee. This is called the Committee stage. After the Committee has finished examination, it is reported to the House and read there a second time. During the *second* reading its various clauses are considered and amendments to them allowed. After the second reading is over, the mover proposes that the Bill be read for the third time. At this stage only verbal changes are allowed. After it has been read and passed for the third time, it is sent up to the other Chamber to go through the same stages. If it is passed by the other Chamber without amendments or with amendments to which the originating Chamber agrees, it is presented to the Governor for his assent. The Governor may give or refuse his assent, or return the Bill to the Chamber with his message for reconsideration. If the Bill is repugnant to an Imperial Act, or affects the position and status of a High Court, or affects the Permanent Settlement, or appears to the Governor to be discriminatory in its character, he shall reserve it for the consideration of the Governor General, who may assent to it, reserve it for His Majesty's pleasure, or direct the Governor to return it to the Legislature with a message for reconsideration. A Bill assented to by the Governor or the Governor General may be disallowed by the King within a period of twelve months from the date of assent.

If there is disagreement between the two Chambers over the Bill in any respect, it cannot be presented to the Governor for his assent. If a Bill is not presented to the Governor within twelve months of its having been passed by one Chamber and sent to the other, he may in his discretion call a joint sitting of the two Houses for the purpose of deliberating and voting on it. If the Bill relates to finance or to a matter in which the Governor has a special responsibility, he may call the joint meeting without waiting for the full term of twelve months. A Bill passed at the joint sitting by a majority is considered to have been passed by both the Chambers. Conflicts between the two Chambers are thus resolved by the device of joint sitting.

The Governor and the Legislature.— The Governor enjoys several important powers in respect of the Chambers of the Legislature and their procedure. He summons the Chamber or Chambers of the Legislature, and prorogues the same. He can dissolve the Assembly before its full term. Although these functions are to be performed in his discretion, it is expected that the initiative shall lie more with the Premier than with the Governor. The Governor can address the Chambers separately or jointly and can require the attendance of the members for this purpose, and can send messages to them in regard to pending Bills. In case of differences between the two Chambers, he can, in his discretion, summon a joint sitting to settle them. His assent is necessary for Bills passed by the Legislature. He can withhold it and thus prevent a Bill from becoming law.

Although every Chamber of the Legislature has the power to frame rules for regulating its business and procedure, the Act gives the Governor the extraordinary power to make rules, in his discretion and after consulting the Speaker, for regulating the procedure and conduct of business in matters relating to any of his special responsibilities. He can also make rules for the timely completion of the financial business. This power of making rules is a serious encroachment upon the powers of the Legislature. Another extraordinary power possessed by him is to frame rules prohibiting, except with his previous permission, the asking of questions on or the discussion of matters pertaining to the relations between the Indian Government and any foreign power or Indian

States, affecting the administration of tribal and excluded areas, or a member of the ruling family in a State.

If the Governor is satisfied that the discussion of a Bill, clause of a Bill, or any amendment to a clause, involves a grave menace to the peace and tranquillity of the province, or adversely affects the due discharge of any of his special responsibilities, he can, in his discretion, stop further discussion and direct that no proceedings should be taken in relation to the Bill. This also is a very important and extraordinary power possessed by him.

No Bill which seeks to repeal, or amend, or which is repugnant to the provisions of a Governor's Act, or affects any Act relating to the police force, can be introduced in the Legislature without his previous sanction given in his discretion. It should also be remembered that no Bill imposing or increasing a tax or proposing an expenditure, or dealing with the borrowing of money can be introduced in the Assembly except on his recommendation.

All these powers enable the Governor to dominate the Provincial Legislature. They seriously detract from the value of provincial autonomy.

Legislative powers of the Governor.—The Governor not only enjoys powers of initiation, regulation, and control in respect of the Provincial Legislature, he is also vested with the power of putting laws on the statute book over its head and even against its will. Like the Governor General he is empowered to enact what are known as the Governors' Acts, promulgate Ordinances when the Legislature is in recess and also when it is in session. These powers have been conferred on him for the first time by the Act of 1935. If the Governor thinks that for the proper discharge of his functions where he is required to use his discretion or exercise his individual judgment, legislative provision is necessary, he may, with the concurrence of the Governor General, issue a permanent Act called the Governor's Act without consulting the Legislature or after considering its views. Every such Act must be communicated through the Governor General to the Secretary of State, who has to lay it before Parliament. A Governor's Act has the same force and validity as an Act passed by the Legislature and

assented to by the Governor. This is, of course, an extraordinary provision apparently inconsistent with the principles of responsible government, but necessitated by the special responsibilities of the Governor in the administrative field.

When the Provincial Legislature is not in session and a situation arises requiring immediate action, the Minister may advise the Governor to issue an Ordinance. If the matter is one where the Governor is required to exercise his individual judgment, or the Ordinance contains provisions which, had they been brought forward in the form of a regular Bill, would have required the previous sanction of the Governor or the Governor General, the Governor shall exercise his individual judgment in promulgating it. In cases where the Bill would have required the previous sanction of the Governor General, the Ordinance cannot be issued without the concurrence of the Governor General. An Ordinance of this type has the same force and effect as an Act of the Legislature but must be laid before the Legislature when it meets, and will cease to operate after six weeks of its meeting unless disapproved earlier. It may be withdrawn by the Governor any time. Two Ordinances of this type were passed in 1939 on the advice of Congress Ministers, the Madras Temple Entry Indemnity Ordinance, and the Bombay Fodder and Grain Ordinance.

There is another type of Ordinance which the Governor can issue on his own initiative and acting in his discretion. If at any time, whether the Legislature is in session or not, the Governor is satisfied that immediate action is necessary for the proper discharge of any of those functions which have to be performed in his discretion or involve any of his special responsibilities, he may issue an Ordinance without consulting his ministers. Such an Ordinance need not be placed before the Legislature and will remain in force for a period of six months, but may be extended for a further similar period. The power of issuing such an Ordinance has to be used with the concurrence of the Governor General except in an emergency. Like the first, this is also an extraordinary power incompatible with responsible government.

The power of the Governor to issue a proclamation suspending the constitution in whole or in part and assuming to himself all

or any of the powers of any Provincial authority except the High Court in the event of the breakdown of the constitutional machinery has already been referred to.

EXCLUDED AND PARTIALLY EXCLUDED AREAS

In the foregoing account of provincial government, on several occasions reference was made to excluded and partially excluded areas whose administration is a special responsibility of the Governor. It seems necessary to explain the meaning of these terms.

The whole of British India is not equally advanced, educationally, politically, and economically. There are certain communities inhabiting certain areas which are backward, e.g., the Gonds and the Santhals. Parliamentary institutions cannot possibly be introduced among such communities. The British Government, out of their great solicitude for their welfare, feared that their interests were liable to be neglected by the popular ministers. Such areas have therefore been excluded from the operation of responsible government, and their administration made a special concern of the Governor. An Order-in-Council made on the 31st of March, 1936, named the various excluded and partially excluded areas in the different provinces.

If an area is so backward that parliamentary institutions cannot be introduced in it at all, it is classed as a wholly excluded area. The Naga Hill district in Assam and a portion of the Kangra district in the Punjab are two of the several such areas. They are placed under the direct administration of the Governor. If an area is less backward, so that some of the laws passed by the provincial legislature can be applied to it, it is called a partially excluded area. The Governor has a special responsibility for its administration. The Jaunsar-Bawar pargana of the Dehra Dun district, and a portion of the Mirzapur district have been classified as partially excluded areas in the United Provinces.

A larger area has been included under these two categories by the Order-in-Council of March 3, 1936, than was the case under the Act of 1919. Indian opinion is against declaring extensive

areas as wholly or partially excluded. It is also amusing to be told that a foreigner like the Governor of a province can look after the welfare of such areas better than popular ministers. The allegation that the latter might neglect their interests is proved to be wrong by the keen interest taken by popular ministers in the welfare of backward classes.

WORKING OF PROVINCIAL AUTONOMY

The Government of India Act of 1935 certainly constitutes a great improvement upon the Act of 1919. It proposed the introduction of partial responsibility in the Centre and the abolition of dyarchy in the Provinces. But progressive opinion in the country as voiced in the resolutions passed by the Indian National Congress at the Faizpur session and the speeches delivered by its accredited spokesmen condemned it lock, stock and barrel. The special powers and responsibilities of the Governor General and the provincial Governors, which figure so prominently in the Act and constitute as essential a feature of it as the proposal to transfer power to the people, were partly responsible for this attitude of condemnation and rejection. Nevertheless, when the general elections for the provincial legislatures were held in February, 1937, the Congress contested them and swept the polls in several provinces. It secured a majority in the Lower House in six out of the eleven provinces and was the largest single party in two others. The problem that confronted the Congress statesmen was how to use these majorities to the best advantage. One section led by Shri C. Rajagopalachari was for accepting offices and using them for strengthening the Congress position, the other group led by the then President Pandit Jawahar Lal Nehru was stoutly opposed to office acceptance. Mahatma Gandhi intervened and advised office acceptance provided the Governors gave an assurance that they would not use their special powers of interference and set aside the advice of the ministers in regard to their constitutional activities. The Governors refused to give the assurance, and the Congress stayed out of office. To meet the situation arising out of the refusal of the majority party to assume the responsibilities of office,

the Governors formed 'interim' ministries. This time was utilised by the British Government and the Congress in defending their respective standpoints. As a result of statements and speeches made by spokesmen on both sides, the situation clarified a good deal. On the strength of a speech broadcast by the Viceroy on June 21, 1937* the Congress felt that it would not be easy for the Governors to use their special powers, and therefore advised Congressmen to accept office wherever they were invited thereto†. In this way, by means of the 'assurance clause' the Congress widened the bounds of the Constitution a good deal, and converted the shadow of responsible government conceded by the Act into something very much like the real stuff. By devising the 'assurance clause' Mahatmaji showed wonderful political acumen and insight.

The Congress assumed office in July, 1937, and remained in the saddle till the close of October, 1939, when eight Congress Ministries tendered their resignations on the war issue. During this two years' period the provincial executives functioned more smoothly than was expected. There was the minimum of interference by the Governors with the work of the Ministers, and instances where the Governors invoked their special responsibilities and over-ruled their Ministers were rare. Most Congressmen

* In his broadcast Lord Linlithgow said that under Provincial Autonomy the Governor will ordinarily be guided by the advice of his Ministers in all matters falling within the ministerial field, including the position of the minorities, the Services etc., and that the Ministers will be responsible not to the British Parliament, but to the Provincial Legislatures. He further said that the Ministers had the duty of advising the Governors over the whole range of the executive Government within the ministerial field, including the area of his special responsibilities, and that in all matters in which he is not specially required to exercise his individual judgment, it would be mandatory upon the Governor to accept the advice of his Ministers.

† The following is the relevant extract from the historic resolution passed by the Working Committee on July 7, 1937: 'The Committee feels, however, that the situation created as a result of the circumstances and events that have since occurred warrants the belief that it will not be easy for the Governors to use their special powers. The Committee has... resolved that Congressmen be permitted to accept office where they may be invited thereto, but it desires to make it clear that the office has to be accepted and utilized for the purpose of working it in accordance with the lines laid down in the Congress Election Manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand, and of prosecuting the constructive programme on the other.'

account for this in terms of the 'gentlemen's agreement' reached between the British Government and the Congress. There are also persons who hold that it was due to the fact that the Congress Ministers refrained from raising inconvenient issues which would have led to a clash with the British authorities. The truth seems to be that, if on the one hand the Congress Ministers did not raise issues simply for the sake of creating deadlocks, on the other hand, they also did not refrain from pursuing their policies simply because they were afraid of obstruction from the Governor. On one or two occasions there was a difference of opinion between the Congress Ministers and the Governor over the release of political prisoners in the United Provinces and Bihar, which led to the resignation of the former. The differences were resolved and the Ministers went back to their offices. The reader desirous of going into details of the crisis and the way in which it was averted is referred to the chapter 'Subsequent Working' in *India's Constitution at Work* by Masani and Chintamani.

The Congress, however, was not destined to serve the people by remaining in office for long. As a result of the World War II which broke out in September, 1939, its official career was cut short. As a protest against the manner in which the Governor General declared India a belligerent on the side of Great Britain and her allies without consulting the central legislature and the provincial governments, the Congress ministries resigned in October*. The Governors were not in a position to form alternative ministries, and therefore suspended the constitution in the eight provinces where Congress wielded power. Under Section 93 of the Act they assumed all administrative and legislative powers in their own hands. Parliamentary government thus came to an end in those provinces, and despotic rule was resumed. It was hoped that the Leaders' Conference called by Lord Wavell at Simla in June last would succeed in solving the political deadlock in the country and popular ministries would again commence functioning in Section 93 provinces. The failure of the Conference has meant postponement of the hope.

It is also interesting to note that the resignation of the Congress ministries in eight provinces in 1939 had repercussions

* For details refer to pages 202-204, Part I

on the working of 'provincial autonomy' in the remaining provinces where the Constitution continued to function. The spirit which prevailed during the two years of Congress regime was no longer there, and the Governors began to interfere in the day-to-day administration and force their will on the ministers. The way in which the late Mr. Allah Bux, the Premier of Sind, was dismissed by the Governor, the letter which Dr S. P. Mukerjee wrote to the Governor of Bengal while resigning his ministership, and the way in which Mr. Fazlul Huq was compelled by the Governor to make way for a Muslim League as the Premier of Bengal, are events whose significance cannot be lost. The way in which the ministries were installed in Assam, Orissa and the N. W. F. P. with the help of Muslim Leaguers and a few seceders from the Congress, and the manner and spirit in which they worked, have their own tale to tell. It was not the popular ministers who carried on the administration and framed the policies from 1939 onward in these provinces, it was the Governor who ruled with the help of the Civil Service. Responsible government remained there in name only, it did not exist in reality. Nothing demonstrates better the hollowness of the Provincial Autonomy said to be established by the Government of India Act of 1935.

PROVINCIAL JUDICIARY

Provincial Judicial Organization.— Each Governor's Province has a well organised judicial system of its own, distinct from its legislative and administrative organs. It consists of courts of various kinds and ranks. At the apex there is a High Court, or a Chief Court or a Judicial Commissioner's Court. Below it and subordinate to it there are the district courts, civil and criminal. At the bottom there are the munsif's courts for civil suits, and the courts of third class magistrates for criminal cases. According to the kinds of cases tried by them the courts may be distinguished as civil, criminal, and revenue courts. A brief account of the system is subjoined.

High Courts — As stated above, the High Court stands at the head of the judicial organisation in a province. Seven of the provinces— Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, and the Central Provinces— have High Courts

at their respective seats of government. Oudh has a Chief Court located at Lucknow. Sind has been recently given a Chief Court in place of the Court of the Judicial Commissioner. For purposes of the Act of 1935 the last three are also treated as High Courts. Assam and Orissa are the two Governor's Provinces which have no High Court or any equivalent Court.

The constitution, powers, and jurisdiction of the High Courts are prescribed by the Act of 1935. A High Court is to consist of a Chief Justice and a number of other Judges whose maximum strength is fixed by the King-in-Council. The Calcutta High Court cannot have more than 19 Judges exclusive of the Chief Justice, the High Courts at Bombay, Madras, and Lahore not more than 15 each, the one at Allahabad not more than 12, and the Patna High Court not more than 11 Judges. The maximum for the Nagpur High Court is 7 Judges, and for the Chief Courts of Oudh and Sind five. The Court of the Judicial Commissioner of the N W F P cannot have more than 2 Judicial Officers. Every High Court Judge is appointed by His Majesty and is removable by him on the recommendation of the Privy Council. Temporary vacancies may be filled by the Governor General in his discretion. If the number of Judges is less than the prescribed maximum, the Governor General can appoint additional temporary Judges for a period of not more than two years. The Indian Legislatures and the Councils of Ministers have thus no hand in the appointment or removal of the High Court Judges. This exclusion is resented by Indians.

In order to be eligible for appointment as a High Court Judge, a person must be either a Barrister of England or Northern Ireland of at least ten years' standing, or a member of the Faculty of Advocates of Scotland or a pleader of an Indian High Court of the same standing, or a member of the Indian Civil Service of at least ten years' standing who has for at least three years served as a District Judge. A person who has held a judicial office in British India not inferior to that of a subordinate judge or judge of a small cause court for at least five years is also eligible for appointment. A judge can hold office until the age of sixty years. The salaries, pensions, allowances, etc., of the judges are fixed from time to time by the King-in-Council. Their salaries and

allowances are a charge on the provincial revenues and therefore not subject to the vote of the Legislature

The jurisdiction of the Indian High Courts is very wide. The High Courts of Bombay, Calcutta, and Madras have both original and appellate jurisdiction while the other High Courts have mostly appellate jurisdiction. The former have admiralty jurisdiction in regard to cases committed on high seas. All have jurisdiction in matters civil and criminal, and those connected with wills, bankruptcy, civil marriages, and divorce. They superintend the working of courts subject to their appellate jurisdiction, and may call for returns, direct the transfer of any case from one court to another, prescribe rules and forms of practice, and determine the form in which book entries and accounts shall be kept by them. They also appoint clerks and other officers of the court.

Until otherwise directed by an Act of the appropriate Legislature, no High Court will have original jurisdiction in any matter concerning revenue or any act done or ordered to be done in its collection. A Bill seeking to amend this practice cannot be introduced in the Federal or Provincial Legislature without the previous sanction of the Governor General or the Governor given in his discretion. All proceedings in High Courts shall be in the English language.

As original courts in civil cases for Presidency towns, the High Courts can entertain cases involving amounts of money exceeding Rs 2000/-, and in criminal cases they can try cases committed to them by the Presidency magistrates. As courts of appeal they hear appeals both in civil and criminal cases from courts subordinate to them, as well as from their own original side.

They are the highest courts of appeal for the Provinces in British India, but are not supreme. Where the amount of money involved in a civil suit is Rs 10,000/- or more, or when a substantial question of law is involved, an appeal lies from the decision of the High Court to the Judicial Committee of the Privy Council. In cases concerning the interpretation of the Act or an Order-in-Council an appeal from the High Court lies to the Federal Court. Until the Federal Legislature passes a law to that effect, the

Federal Court cannot entertain appeals from the High Courts in civil cases.

Like the Federal Court, the High Courts also are courts of record. Their decisions are cited as authority before the courts subordinate to them

Criminal Courts in the District.— For the administration of criminal justice a province is divided into a number of areas called sessions divisions. Their boundaries are usually identical with those of the districts, into which the province is divided for administrative purposes. In each sessions area or district there is a Sessions Court which is the highest criminal court in the district. It is presided over by a sessions judge. The Government may appoint one or more additional sessions judges in the district to help him. The Sessions Court has both original and appellate jurisdiction. It is competent to try all criminal cases committed to it and to inflict the highest punishment authorized by law. Every death sentence passed by it is subject to confirmation by the High Court to which it is subordinate. The Sessions Court hears appeals against the decisions of the lower criminal courts in the district subordinate to it.

Below the Sessions Court there are the courts of the magistrates in the district. They are of three grades. A first class magistrate is competent to pass a sentence of imprisonment upto two years and a fine not exceeding Rs. 1,000/-. If authorised to do so in writing by the District Magistrate, he can hear appeals from the lower courts. A second class magistrate can pass a sentence of imprisonment upto six months and a fine of Rs 200/-. A third class magistrate is empowered to pass a sentence of one month's imprisonment and a fine of Rs 50/-. Second and third class magistrates have no appellate jurisdiction. The territorial limits of the jurisdiction of the various courts are fixed. Cases which they are not competent to try are committed to the Sessions Court.

In each district the District Collector is given the powers of a first class magistrate, and is also known as the District Magistrate. In this capacity he supervises the work of other magistrates in the district and distributes work among them. Except in specified

matters, the District and other magistrates are not subordinate to the Sessions Judge. In the Presidency towns there are Presidency Magistrates, and in big cities City Magistrates to dispose of criminal cases and to commit the more important ones to the Sessions Court or the High Court as the case may be.

Besides stipendary magistrates of the various classes, there are honorary magistrates. They also are ranked as first, second and third class magistrates. Generally only petty cases are sent to them. They usually work as a bench, and are appointed by the provincial government. The Provincial Government may confer the powers of a first, second, or third class magistrate on any person to be known as a Special Magistrate for a specified term for dealing with criminal cases in a given locality or area outside Presidency towns.

Civil Courts in the District.— The civil courts functioning in the district are of several ranks. The highest of them is the court of the District Judge. The District Judge has both original and appellate jurisdiction. On the original side he can entertain suits irrespective of their pecuniary value, on the appellate side he hears appeals from the lower courts subordinate to him or in cases in which the amount involved is not more than Rs 5,000/-

Below the court of the District Judge are the courts of the Civil Judge and the Munsif. The Civil Judge can try almost any civil suit irrespective of the amount of money involved and has appellate powers also. In other words, his powers are almost similar to those of the District Judge to whom he is subordinate in administrative matters. Appeals from him lie to the High Court. Below the Civil Judge there are the courts of the Munsifs who can try civil suits upto the value of Rs 5,000/-. The Munsifs have no appellate jurisdiction. Besides these there are the Small Cause Courts. They can try cases upto the value of Rs 250/-, and if authorised in writing by the Provincial Government, upto the value of Rs 1,000/-. In Presidency towns the minimum value has been put at Rs 2,000/-. Small Cause Courts are given summary powers to facilitate the recovery of small debts and quick disposal of minor suits. As a rule there is no appeal against their judgments, except on questions of law.

The court of the District Judge is different from that of the Sessions Judge in as much as the former is a civil court and the latter criminal. Nevertheless in the United Provinces and other provinces as well, the two have one and the same presiding officer. He is known as the District and Sessions Judge. Since he unites in himself extensive civil and criminal powers, both in original and appellate jurisdiction, he is an important district officer. Besides his judicial functions he has some administrative duties also. He supervises and controls all the subordinate courts in the district, assigns to the assistant judges the disposal of such cases as he thinks fit, and makes arrangement for the guardianship of the minors and lunatics and the management of their property. The post of District and Sessions Judge is thus an important post and is usually filled by members of the Indian Civil Service. Appointments and postings to it are made by the Governor exercising his individual judgment. Promotions of District Judges are made by the same authority. Persons not already in the service of the Crown may also be appointed as District Judges if they are Barristers of England and Northern Ireland, members of the Faculty of Advocates of Scotland of not less than five years standing or pleaders of an Indian High Court of the same standing, and are recommended by the High Court for appointment. The expression 'District Judges' includes additional district judges, joint district judges, assistant district judges, chief presidency magistrate, sessions judge, and additional and assistant sessions judge.

Appointments to the subordinate judicial service, i.e., appointments to judicial posts in the district other than the district judges as defined above are made by the Governor. The candidates who are appointed are selected by the Public Service Commission in consultation with the High Court on the basis of a public examination conducted by the former. This procedure has been laid down to secure independence and impartiality of the subordinate judiciary.

Revenue Courts.— Besides the civil and criminal courts in a district there are also revenue courts which deal with matters arising out of the assessment and collection of land revenue. They

also try cases involving disputes about land and rent. The Collector is the chief revenue official in the district, and his court the chief revenue court. Under him are the courts of deputy collectors and tehsildars. Appeals from the lower courts lie to the Collector and from him to the Commissioner of the Division. The Board of Revenue is the highest revenue court in the province. It is a circuit court; it sits at different places from time to time.

Some Features of the Indian Judicial System.— (1) *Jury system.* Our judicial system has certain important features which deserve attention. One of them is the recognition of the system of trial by jury in criminal cases. Trial by jury is considered to be a very valuable privilege of the accused, a guarantee of justice being meted out to him and therefore a bulwark of popular liberty. It was won by the British people after a hard struggle against the government.

The system of trial by jury has a limited application in India. It is resorted to in the capital cities, and there also in important cases only. Trial by jury is the rule in criminal cases tried by High Courts on their original side. In the mofussil courts it is not considered to be always practicable to secure the services of a competent and independent jury. Therefore recourse is sometimes had to trial by assessors. The difference between trial by jury and trial with the help of assessors is important and must be clearly grasped. The difference lies in the fact that in the former the verdict of the jury is binding on the trying magistrate. He has to accept it unless he feels that it is manifestly unjust and perverse, in which case he has to refer the matter to the High Court, which may set aside the verdict of the jury. The magistrate himself has no power to disregard it. One might say that in a trial by jury the jury is the tribunal, the function of the judge being to help it by summing up the evidence and arguments for and against the accused and explaining the law under which the accused is being tried. The responsibility of the jury for the decision is in no way less than that of the magistrate. If the jury are divided among themselves, the magistrate can order the retial of the case by another magistrate and a different jury. In trial by assessors, on the other hand, the opinion of the assessors is

not binding upon the magistrate, he might disregard it. The responsibility for the decision is that of the magistrate and not that of the assessors. The magistrate is the real tribunal, the assessors merely help him. As to the procedure to be adopted by the court there is no difference between trial by jury and trial with the help of assessors.

(ii) *Privileged Position of European British Subjects in Criminal Trials* — The second feature of our judicial system is the grant of certain special privileges to European British subjects in criminal trials. For long Indian magistrates, even of the rank and status of a Sessions Judge, were debarred from trying them, while their European subordinates had that right. To remove this most unjustifiable distinction a measure called the Ilbert Bill was introduced in the Central Legislature in 1883. There was a storm of protest among the Europeans in British India against the measure. As a result of their vehement opposition the Bill was withdrawn, and a compromise measure was passed the following year. It gave to the Indian District Magistrates and Sessions Judges the power of trying Europeans accused on the condition that the latter had the right of claiming, even in most trivial cases, trial by a jury at least half the members of which must be Europeans or Americans. The compromise thus did not abolish racial discrimination in the judicial field, it gave to the European offenders a privilege simply on the ground of their being Europeans. The distinction still persists. It may also be pointed out that where a European British subject is involved, a second or third class magistrate can inquire into or try only those offences which are punishable with a fine of Rs 50/- The sentences which a First Class or a District Magistrate, or a Sessions Judge can pass on European accused are also specially circumscribed. There are other privileges granted to them which are pointed out by the Racial Distinction Committee into which we need not go.

(iii) *The Combination of Judicial and Executive Functions* — The principle of Separation of Powers has been observed to a large extent in the organisation of the three organs of government—the legislature, the executive, and the judiciary—in the provinces. It has not been fully complied with in so far as the Governor has

been vested with extraordinary powers of legislation. It has been also departed from in so far as judicial and executive functions have been combined in certain officials. The highest executive authority does not perform any judicial functions—except that of pardon on behalf of the King-Emperor which is more an executive work than judicial. The High Court also does not interfere with the work of administration. The highest judicial officer in the district, the District and Sessions Judge, has nothing to do with the administration of the district. But the matter takes on a different shape and hue when we come down to the District Magistrate and Collector and his subordinate executive officers, the deputy-collectors, the sub-divisional officers, and the tehsildars. Here we find the union of the executive and judicial functions which has not only meant the denial of justice to the accused in political cases, but has also led to much servility and lack of independence on the part of subordinate judiciary. As the head of the civil administration the District Collector is concerned with the collection of revenue. He is also responsible for the maintenance of law and order. In this capacity he has to deal with individuals and institutions over whom he should not have judicial powers, lest he should use them to their disadvantage. But his position as the District Magistrate gives him power over the administration of criminal justice in the district which places the individuals who come into conflict with him at his mercy. The magistrates subordinate to him cannot deal justly and in an independent spirit in political cases, as their position and promotion depend upon the goodwill of the District Magistrate whom they cannot afford to displease. Threats like 'the sentence is inadequate, if this occurs again I shall report your misconduct to Government' which are quoted by Sir Henry Cotton in his book *New India* show the difficulties and dangers that lurk in the combination of judicial and executive functions. Indian opinion has long been highly critical of it, but so far no reform has taken place.

(iv) *Appeals* — The Indian system allows a wide latitude for appeals in civil, criminal and revenue cases. Two appeals are allowed in civil cases with the right of appeal in the third instance to the Judicial Committee of the Privy Council, if the amount of

money involved is Rs 10,000/- or more. In criminal cases one appeal is permitted. Applications for revision against the decision of the appellate court are also permitted. In this way in criminal cases also two appeals may be said to be permitted. Two appeals are allowed in revenue cases also.

In civil suits an appeal lies to the court of the district judge or the civil judge from the courts of the munsifs. Against the decisions of the appellate court, a further appeal lies to the High Court. An appeal from the court of the civil judge or from that of the district judge lies to the High Court and from the latter to the Privy Council. Appeals from the High Court sitting as a court of the first instance are heard by its appellate side. If the question concerns the interpretation of the Act or an Order-in-Council, an appeal lies to the Federal Court.

In criminal cases an appeal against the decision of a court of the second or third class magistrate lies to the court of a first class magistrate specially empowered in this behalf by the District Magistrate. An appeal against the decision of a first class magistrate lies to the Sessions Judge, while an appeal against a decision of the Sessions Court lies to the High Court. An application for revision can be heard by the Sessions Court against the judgment in appeal given by a first class magistrate, and by the High Court against the judgement in appeal given by the Sessions Court. The right of appeal is restricted in cases tried by jury.

In revenue cases appeals from the decisions of the Collector lie to the Divisional Commissioner, and thence to the Board of Revenue. Only in a few revenue cases involving partition, etc., appeals may lie to the High Court.

The highest court of appeal for India is the Judicial Committee of the Privy Council in England. It has no original jurisdiction. It is the final court and entertains appeals from all parts of the British Empire. An appeal against a decision of the High Court in civil cases lies if the amount of money involved is Rs 10,000/- or more, and a question of law as distinguished from a question of fact is involved. Similarly in criminal cases an appeal lies only if a substantial question of law is involved. Permission to file an

appeal must be granted by the High Court

This rather wide latitude for appeal has a bad effect. It encourages the habit of litigation and makes justice expensive. Litigation in India is more expensive than in most other countries. The heavy charges levied by the members of the legal profession and the cost of court fees and stamp duties combine to make administration of justice a costly affair in our country.

PROVINCIAL FINANCE

A few words about the sources from which the provincial governments derive their income seem to be necessary before concluding this chapter. All revenues derived from subjects enumerated in the Provincial Legislative List go to the Provinces as the revenues derived from subjects mentioned in the Federal Legislative List belong to the Federation. The following are the subjects which yield revenues to the Provinces : Land-revenue, excise duties on alcoholic liquors, opium, hemp and other narcotic drugs, non-narcotic drugs, medicinal and toilet preparations containing alcohol manufactured or produced in the province, taxes on agricultural income, taxes on land and buildings, succession duties in respect of agricultural land, taxes on mineral rights, capitation taxes, taxes on professions, trades, callings or employment, taxes on animals and boats, taxes on the sale of goods and on advertisements; cesses on entry of goods for consumption in local areas, taxes on luxuries including entertainments, amusements, betting and gambling, stamp duties on documents other than those specified in the Federal List, taxes on goods or passengers carried on inland waterways, tolls, and fees in respect of any matters contained in the Provincial List. Taxes on vehicles whether mechanically propelled or not, and taxes on the consumption and sale of electricity except that sold to the federal government or for use on federal railways, were added by an amendment to the Act. It should be remembered that some of these sources are made over to the Municipalities and District Boards and so are not available to the provincial government.

There are some taxes levied and collected by the Federal

Government the proceeds of which are shared by it with the provincial governments. It is specifically provided in the Act that, if the finances of the Federal Government permit, fifty per cent of the net proceeds of income-tax should be assigned to the provinces. In 1938 when the finances of the Central Government showed improvement, a sum of one crore and twenty-five lakhs out of the receipts from income-tax was distributed among the provinces. The proceeds from tax on salt, excise duties on sugar, matches and petroleum, etc., normally belong to the Federation, but the Federal Legislature may pass an Act providing for the payment of a part of the revenues derived from them to the Provinces and the Federated States in a certain proportion. According to the Niemeyer Award 62½ per cent of the proceeds of the jute export duty are to accrue to the jute producing provinces. In the same way, proceeds from duties in respect of succession to property other than agricultural land, stamp duties in respect to bills of exchange, cheques, promissory notes, bills of lading, insurance policies, etc., terminal taxes on goods and passengers carried by railways or air, taxes on railway fares and freights, though levied and collected by the Federation may be wholly assigned to the provinces if the Federal Legislature so enacts.

If there be need, a provincial government can meet its financial obligations by borrowing money on the security of its revenues. The conditions of borrowing are to be regulated by the Provincial Legislature from time to time. No monies can be borrowed from outside India.

There may be provinces like the North West Frontier Province and Sind whose resources are insufficient to enable them to maintain the minimum standard of efficiency in administration. To such provinces the Federal Government may make subventions out of its own revenues. It is also authorised to give grants-in-aid to provinces which stand in need of financial help. Thus grants-in-aid constitute an additional source of income for a province.

In order to give the reader a clear idea of provincial revenues and expenditure, we reproduce below the main items of the budget estimates of the United Provinces Government for the year 1939—40, as prepared by the Congress Ministry functioning at that time.

	1937—38	1938—39	1939—40
	Actuals	Revised	Estimates.
Principal Heads of		Estimates.	
Revenue.	Rs.	Rs.	Rs.
Other taxes on income	18,75,000	23,00,000	26,20,000
Land Revenue	5,87,39,512	5,85,01,100	6,05,02,858
Provincial Excise	1,45,45,938	1,36,25,000	1,15,94,000
Stamps	1,37,89,330	1,32,00,000	1,44,00,000
Forests	50,03,479	50,30,000	50,02,330
Registration	9,39,251	9,00,000	9,50,000
Receipts under Motor			
Vehicles Act	10,96,603	11,04,000	11,25,000
Other taxes and duties	1,99,390	66,11,700	53,22,700
Other heads	900	200	...
Total : Principal Heads	9,61,89,403	9,82,72,000	10,15,16,888
Railways	1,83,640	1,60,000	1,50,000
Irrigation · Net receipts	1,40,92,926	1,81,35,713	1,62,76,131
Debt Services	11,55,413	12,26,860	12,27,310
Civil Administration	55,84,034	67,54,826	82,94,778
Civil Works	12,73,896	12,69,100	14,16,497
Miscellaneous	23,24,076	24,69,154	17,53,383
Central contributions, etc.	25,00,000	25,10,000	25,10,000
Total Revenue	12,33,03,380	13,07,97,653	13,31,44,987

Expenditure.**Direct Demands on**

Revenue	1,46,22,898	1,53,31,878	1,60,98,834
Railways	4,699	4,925	4,800
Irrigation	1,10,94,836	1,12,51,826	1,16,12,402
Debt Services	59,77,102	62,70,193	71,34,368
Civil Administration	7,27,43,397	7,71,38,019	8,22,87,944
Civil works	60,55,376	62,12,000	62,94,334
Miscellaneous	1,28,31,742	1,30,88,811	1,35,05,740
Extraordinary	424	...	...
Total	12,33,30,474	12,92,97,652	13,69,38,422

Chapter XIII

THE 'HOME' GOVERNMENT OF INDIA'

Introductory.— India is not a free and independent country like the U S A or Russia, but is a dependency of Great Britain. The result of her political subjection is that the Government of India is not quite free to choose and follow any policies it likes, but has to accommodate its actions to the orders and instructions it receives from the authorities in Great Britain. One might, therefore, say that the administration of our country is controlled and managed by two different agencies, one located and functioning within her borders, and the other having its seat in London and directing the affairs from there. The two preceding chapters contain an account of the composition and character of the first named agency. In this chapter we shall describe the agency which functions in Great Britain, and is usually known as the 'Home' Government of India.

The Secretary of State for India in Council — Up to the passing of the Act for the Better Government of India in 1858, the 'Home' Government consisted of the Court of Directors of the East India Company and the Board of Control set up in 1784. When in 1858 the Government of India was transferred from the Company to the Crown, the 'Home' Government came to consist of the Secretary of State for India in Council. The Secretary of State for India is a member of the British Cabinet, and as the immediate agent of Parliament is responsible to it for the administration of Indian affairs. It is through him that the British Parliament maintains control over the Government of India and keeps itself informed of the way in which the affairs of this big Dependency* are managed. The Secretary of State inherited all the powers previously exercised in relation to the Government of India by the Court of Directors and the Board of Control. The Act of 1919 vested in him the power to superintend, direct and control all acts, operations and concerns which relate to the government or revenues of India. The Governor General and through him the Provincial Governors were required to pay due obedience to his orders. All legislative projects of the Central and Provincial Governments needed his approval. All variations

* India is not exactly a Dependency, she has outgrown that stage. See *infra* Chapter XVIII

in taxation, all measures affecting revenues, customs, currency and exchange, and all proposals involving fresh expenditure and change of policy had to be laid before him. No payments out of Indian revenues in the shape of salaries, allowances, gratuities, etc., could be paid without his sanction. The Home Charges amounting to about one fifth of the total expenditure of the Government of India were under his control. The recruitment of the Public Services and the management of the departments of the Government of India in England were also under his control. It was on his advice that the Crown made appointments in India excepting that of the Governor General. It is true that in the exercise of his various functions he had to carry a majority of the India Council with him. Nevertheless his powers over the Government of India were very vast; nothing of importance could be done by the latter against his wishes. It should however be remembered that the control exercised by the Secretary of State in Council varies with the personal factors involved. As has been stated in an earlier chapter, if strong Secretaries like Lord Morley proceeded upon the assumption that the Government of India were the agents of the Secretary of State, a strong Governor General could also make a Secretary of State the mouthpiece of his policies in the British Parliament. The extent to which it was found desirable and necessary to relax the control of the Secretary of State over the administration of the transferred subjects in the Provinces and in some other directions has been already explained. *

The Act of 1935 has made a fundamental change in the legal status of the Secretary of State for India, though his powers to control the Government of India remain practically the same as before. The change consists in this that whereas under the Act of 1919 he was in the foreground and the Crown in the background, under the new Act he falls into the background and the Crown comes into the foreground. There is no section in the Act of 1935 corresponding to the section in the Act of 1919 which vested the superintendence, direction, and control over all acts, operations and concerns of India in the Secretary of State. Instead, the Act

* See above, pages 27 ff

vests the territories and the executive authority in India in the Crown. In this manner the Crown comes into the foreground. But because all the powers of the Crown in relation to India are to be exercised on the advice of its constitutional adviser, the Secretary of State for India, the powers of the latter in reality remain great. The change made by the Act is thus formal and not real.

In all the matters in which the Governor General and the Provincial Governors are required by the Act to use their discretion or exercise their individual judgment, they are under the control of the Secretary of State and have to pay obedience to his orders and instructions. Since the discretionary powers and special responsibilities of the Governor General and the Governors cover almost the entire field of administration, the control of the Secretary of State over Indian affairs is bound to be extensive. He will be in a position to control the administration of the key departments of Foreign Relations, Defence and Tribal Areas in the federal sphere. He would also regulate the currency and exchange system of the country which are to be managed by the Reserve Bank. It is hardly necessary to refer to the other discretionary powers and special responsibilities of the Governor General and the Governors like the issue of Ordinances and the enactment of special Acts. As the constitutional adviser of His Majesty he will be in a position to control the issue of the Orders-in-Council, the issue of the Instrument of Instructions to the Governor General and the Governors, the appointment of the Governors, and of the High Court judges. He will exercise His Majesty's power of disallowing Acts passed by the Indian Legislatures and assented to by the Governor General or the Governors. He still possesses the power to borrow money in the British market on behalf of the Federal and Provincial Governments, recruit the personnel of the Public Services and determine the conditions of their service, salaries, allowances and pensions, and protect their interests. The great role played by the Secretary of State in Indian administration may best be described in the following words of Prof K. T. Shah : 'His powers may not be so imposing in appearance as those of the Governor General or the Provincial Governors. But these are merely his creatures, obedient to every nod from the Jupiter of White Hall, amenable to every hint from this juggler of Charles

Street His powers extend not merely to matters of fundamental policy ; to the protection of British vested interests ; to the safeguarding of Britain's imperialist domination. They comprise even matters of routine administration, the more important doings of the Indian Legislatures and even the appointments, payment or superannuation of certain officers in the various Indian services or governments. He has, in fact, all the power and authority in the governance of India, with little or none of its responsibility 'r

Advisers to the Secretary of State — The India Council which had been instituted along with the creation of the office of the Secretary of State for India in 1858, and against whose continued existence there was a strong opposition in our country, has after all been abolished by the Act of 1935. It ceased to function the day the new Constitution was inaugurated, namely on the 1st of April, 1937. But the J P C. which recommended its abolition also felt the necessity of providing the Secretary of State with experienced advice on Indian questions. The Act therefore provides for the appointment of a number of *advisers* to the Secretary of State. They are to be not less than three and not more than six in number, and are to be appointed by the Secretary of State for the purpose of advising him on any matter on which he might seek their advice. One half of them are to be persons who must have served in India under the Crown for not less than 10 years and must not have relinquished their office more than two years before their appointment. They are to hold office for a period of five years and are not eligible for reappointment. They may resign office earlier, and may be removed from office by the Secretary of State on ground of infirmity of mind or body. The members of the India Council as it existed on the eve of its dissolution were eligible for appointment as Advisers. The Advisers cannot become members of Parliament, and are to receive a salary of £ 1350/- per annum plus an annual allowance of £ 600/- for those who were domiciled in India at the time of their appointment.

Whether or not to consult his Advisers on any matter, or whether to consult them individually or collectively is left to the

discretion of the Secretary of State. And after having consulted them, he may or may not accept their advice. But in respect of matters pertaining to the Public Services he has to consult them and abide by the advice of the majority.

Progressive Indian opinion regards the Advisers as the extinguished India Council in a disguised form, and is therefore unreconciled to their creation. In view of their qualifications we may say that they are very likely to exert a reactionary and conservative influence on the Secretary of State. It is highly significant to note that Sir Reginald Maxwell, who made himself notorious and most unpopular with the Indian people by the manner in which he tried to crush Indian aspirations and repress the national movement, was appointed as his Adviser by the Secretary of State on his relinquishing service in India.

Before the Act of 1935 came into force the expenses of the India Office establishment were a charge upon Indian revenues. An annual grant of £ 150,000 was made towards the expenses by the British Treasury. Under the new Act this arrangement has been reversed. The expenses are now to be met out of funds provided by Parliament but the Government of India would be required to make a contribution towards the cost. Since its amount is to be determined by the Treasury* and the Governor General, from the financial point of view it makes little or no difference.

High Commissioner for India.— The office of the High Commissioner for India was created under the Act of 1919. The agency functions previously discharged by the Secretary of State were taken away from him and entrusted to the High Commissioner. The Act of 1935 retains the office. Its incumbent is to be appointed by the Governor General acting in his individual judgment. His salary is determined by the same authority and is met out of Indian revenues. The term of his office is usually five years. His principal duty is to procure for the Federal Government, the Provincial Governments and such Indian States as join the Federation and also for Burma such commodities as

* Treasury is the name by which the Finance Department of the Government of Great Britain is known.

they might require. He is expected to make purchases after inviting tenders and in the cheapest market. He is expected to bear in mind Indian interests and advantage in making the contracts. He also looks after the welfare of Indian students prosecuting their studies in England. The Act of 1935 has made no substantial change in the position, status or functions of the High Commissioner. The Dominions also have their High Commissioners in London. There is a fundamental difference between the Dominion High Commissioners and the Indian High Commissioner. The former represent their respective Governments and act as a channel of communication between the Imperial Government and the Dominion Governments. The High Commissioner for India has no such status and function.

Parliamentary Control — Even during the rule of the East India Company the British Parliament claimed and exercised powers of sovereignty over British territories in India. When the Company rule came to an end and the responsibility for the Government of India was transferred to the Crown, the sovereignty of the King-in-Parliament was formally and legally proclaimed.

This sovereignty is exercised in several ways. The most important of them is the determination of India's constitution and the pace of her constitutional development. The Preamble to the Government of India Act of 1919, which stands unrepealed, gives expression to it in unmistakable terms. We have laid stress on the non-sovereign character of the Indian Legislatures more than once. In this connection, it should also be remembered that Parliament has the power to alter and repeal the laws made by the Indian Legislatures and to make laws for British India. The power of the King-Emperor to disallow any law made by the Indian Legislatures is also a deduction from the sovereignty of the Crown. There are no limitations or restrictions upon the sovereignty of the King-in-Parliament.

Being situated at a distance of about 6,000 miles and also as a result of the ignorance of its members about Indian conditions and affairs, Parliament is not in a position itself to direct and control the administration of India. This task has been left to its agent, the Secretary of State for India. The extent to which this

dignitary exercises control over Indian affairs has already been examined. Even under the Act of 1919 the need of relaxing his control was felt, and rules were made to that effect. The position was that the Secretary of State was not responsible to Parliament for the administration of subjects transferred to the control of popular ministers in the Provinces. With regard to the Central Government, the convention was developed that the Secretary of State would not interfere in any matter of fiscal policy there was agreement between the Government of India and the Central Legislature.

Since the Act of 1935 contemplates greater transfer of political power to the people, the responsibility of the Secretary of State to Parliament must correspondingly diminish. A government cannot be made answerable to two different authorities. The Government of India must be responsible to the people of the country or to the British Parliament, it cannot be made responsible to both at one and the same time and for the same things. In so far as the Provincial Governments are answerable to their respective Legislatures, the control of the Secretary of State must be abandoned. The same thing would hold good about the Federal Government. But since the transfer of power is not full and complete,—there are serious limitations upon provincial responsibility, and there are reserved subjects in the centre,—the control of the Secretary of State cannot be fully withdrawn. In so far as the Governor General and the Provincial Governors are required by the Act to use their discretion or exercise their individual judgment they remain answerable to the Secretary of State and through him to Parliament.

Even when India becomes a Dominion, and the control over the administration of internal affairs is completely transferred to the people, the Crown will remain the Sovereign Power, and India shall continue to owe allegiance to the British King. Parliament would, however, be completely deprived of its right to control Indian administration. And if India achieves Purna Swaraj or Complete Independence and her connection with the British Empire altogether ceases, the sovereignty of the Crown will also come to an end.

Chapter XIV

AMENDMENT OF THE CONSTITUTION, AND THE PUBLIC SERVICES

Amendment of the Constitution — The Indian Constitution is very rigid, it has no seed of growth in it and seems to bear an oppressive impress of finality. The people of India and their elected representatives in the various legislatures have not been given any power to amend the constitution except in a very minor matter. As has been already stated the Federal Legislature has been given the power to extend the appellate jurisdiction of the Federal Court. In all other respects, the right to amend the constitution has been reserved by Parliament to itself.

In a few matters of minor importance the Act can be amended by means of Orders-in-Council with the assent of Parliament and on request by the Federal or Provincial Legislatures. They are the following: (1) The size and composition of the Chambers of the Federal Legislature, the method of election to them and qualifications of the members thereof, but in such a manner as not to vary the relative proportion between the Council and the Assembly and between the States and British India, (2) the number of Chambers in a Provincial Legislature, their size or membership, (3) any amendments with regard to the qualifications of members, and (4) the substitution of literacy in place of higher educational qualifications for women, or the entry of their names without application. Except as regards the last, no amendments can be made before the expiry of ten years from the establishment of Federation or Provincial Autonomy, as the case may be. The procedure laid down is very elaborate.

First of all, motions recommending amendments must be introduced in the Federal or Provincial Legislature on behalf of the Council of Ministers, and passed by it. In the second place, the Legislature concerned must pass an address requesting the communication of the resolution to Parliament. In the third place, the Secretary of State for India within six months after the resolution has been communicated to him, shall cause to be laid before Parliament a statement of the action he proposes to take. Before making his proposal he shall take steps to acquaint himself

with the views of the minority or minorities affected, by the resolution and whether it is supported by a majority of the minority or minorities concerned. Such information shall ordinarily be supplied by the Governor General or the Governor. His Majesty-in-Council can make amendments in respect of the matters mentioned above even if none of the aforesaid conditions has been fulfilled. The points to be understood are (i) that the matters about which amendments can be made without any amendment of the Act and by means of Orders-in-Council are all minor in character, and (ii) that even in regard to them the assent of Parliament is necessary.

One more point about the amendment of the constitution deserves mention. It should be remembered that the All-India Federation cannot come into existence unless a certain number of States accede to it. If and when they join, they join under conditions specified in the Act. If amendments, radically altering the constitution, are made without the consent of the States, they might feel aggrieved. Therefore the Act lays down that, leaving aside certain matters which are enumerated in Schedule 2 (they do not touch the fundamentals of the structure of the Federal Government), the consent of the federating States is necessary for the amendment of the Act. In other words, unless the States agree, full responsibility cannot be introduced in the Federal sphere. The advance towards full responsible government is made dependent on the good-will of the States. This is a highly retrograde step.

THE PUBLIC SERVICES

Importance of the Services — The Public Services play a very important role in the administration of a country. It is the members of the Services who give effect to the policies decided upon by the Ministers and come into contact with the people. They not only carry on the actual work of administration, but also help the Ministers who are sometimes quite new to their work with advice based upon their accumulated experience and knowledge. So vital is the role they play in a state that a discontented and corrupt Service can make a very good constitution a failure, and a loyal, competent, and honest

Service can make a success of even a defective constitution. There is a good deal of truth in the saying 'For forms of government let fools contest, whatever is best administered is best'.

In a country like India where responsible government is still in an experimental stage and where the people have had to put up with bureaucratic rule for a long time, the role of the Public Services has been far more vital than in a country like England with long traditions of democratic government. They have not only carried on the work of administration, but their seniormost members have also participated in the determination of the policies of the government as Governors of some provinces, and as members of the Executive Councils of the Governor General and the Governors. Even the Commissioners were consulted by the Governors on questions of policy. It is only with the introduction of responsible government in the provincial sphere that the part played by the Civil Service in the shaping of the policies has abated, in the Central Government, however, it continues to be as strong as it ever was. It is therefore necessary for students of Indian civic and political life to know something about the manner in which the Public Services of their country are recruited, the conditions of their service determined, and their work controlled.

Defence Forces — We may broadly divide the Public Services of India into two groups the Defence Forces, and the Civil Services. Since Defence is a reserved department to be administered by the Governor General in his discretion, the Council of Ministers can have no voice in the appointment of officers in the Defence Forces and in determining the conditions of their service. The Defence Services are thus beyond Indian control. The Commander-in-Chief is directly appointed by the King, the Chief of the General Staff and other high officers are also appointed from England. The Army in India is mostly officered by the British. Although there has been a persistent demand in the country for the Indianization of the army, and although the Instrument of Instructions issued to the Governor General directs him to take cognisance of the fact that the

defence of India must, to an increasing extent, be the concern of the Indian people and not of the United Kingdom alone, the pace at which Indianisation has proceeded is vexatiously slow. The number of Indians holding the King's Commission is extremely small.

The Secretary of State, acting with the concurrence of his Advisers, is the ultimate authority for deciding the conditions of service in the Indian Defence Forces.

The Civil Services — The diversity of administrative functions performed by the government in British India and, till lately, the comparatively undeveloped character of local self-government in the country have combined to make the number of civil servants employed by the Government not only very large but also greatly diversified in character. The Government has in its service administrators among whom we would include persons from the Collector of a district to the village chowkidar, judges and magistrates of various ranks, police officers, irrigation and civil engineers, mechanical and electrical engineers, doctors and veterinary surgeons, forest officers, agricultural experts, professors and teachers, geologists, botanists, meteorologists, archæologists, railway employees, dock inspectors, postal servants, excise inspectors, income tax officers and many others. It will not be possible here to deal with all the different types of services, nor are all of them equally important. The Civil Service, the Police Service, and the Medical Service are the most important of them, the first two are usually called the *security* services, because they are charged with the organization and direction of the general administrative system and are responsible for the maintenance of peace and order in the country. The Forest Service, the Agricultural Service and the Service of Engineers are also important.

The bulk of government servants in all the departments taken together is predominantly Indian, the foreign bureaucracy governs and administers the country largely with the help of the children of the soil. But they are usually assigned low positions and given small salaries. A great majority of positions of power and responsibility are held by Britishers, who are alien to the people of the land in spirit and outlook, and generally regard themselves as their masters and not servants. Even some of the Indian members

holding high posts have imbibed these undesirable traits of the British element in the superior public services. The exclusion of Indians from the superior grades of the public services for a long time led to the demand for their Indianisation. Though Indians are now admitted to them in a larger number than before, the non-Indian element still occupies a dominating position. This makes the administration one of the costliest in the world, and as recent events have shown, unresponsive to Indian needs and aspirations.

Classification of Civil Services — The civil services in the country may be classified under the following three heads :

(1) The All-India Services recruited and controlled by the Secretary of State

(ii) The Federal Services under the general control of the Governor General

(iii) The Provincial Services under the general control of the Governor of the Province.

We shall add a few words about each of them

(1) *The All-India Services* — Before the Act of 1935 came into force, there were several services of an all-India character which were recruited and controlled by the Secretary of State for India-in-Council. They included the well-known Indian Civil Service, the Indian Police Service, the Indian Medical Service (civil), the Indian Forest Service, the Indian Service of Engineers, the Indian Agricultural Service, the Indian Veterinary Service, and up to the introduction of the Montford Reforms, the Indian Educational Service. So long as the Central and Provincial Governments were responsible to the Secretary of State and not to the people of the country, it was not unnatural to vest the control over the Services in the Secretary of State. But with the introduction of Provincial Autonomy and the proposal to concede partial responsibility at the Centre, the old arrangement loses its rationale. The continued recruitment by the Secretary of State of any one or more of the Services, however essential it or they may be regarded for the peace and security of the country, is inconsistent with the transfer of power to the people. The public services must be made responsible to the Government, if responsible Government is to have any reality and meaning, they should not be put under the control of an

outside authority like the Secretary of State. The logic of the new situation was however lost on the J P C which recommended that the Secretary of State should continue to have the powers to recruit and control the Indian Civil and Police Services—the two 'security services—the Indian Medical Service (civil), and such other services as he may deem necessary for enabling the Governor General to discharge his discretionary functions properly. The recommendation was, of course, accepted by Parliament.

In addition to recruitment to the three Services named above, the Secretary of State continues to make appointments to the Reserved Departments. The conditions of service in respect of emoluments, allowances, pensions, leave, rights regarding medical attendance of all persons appointed by the Secretary of State, are to be determined by him by means of rules framed for the purpose. The Federal or the Provincial Government cannot change any of these conditions to the detriment of any civil servant appointed by the Secretary of State, nor can they dismiss any such person. The authority which appointed him alone has the right to dismiss him.

Members of the Civil Services appointed by the Secretary of State prior to the passing of the Act of 1935 felt apprehensive that with the transfer of political power to the people, their rights and interests in respect of pay, allowances, leave, pension, etc., might be adversely affected. They therefore demanded statutory safeguards for the protection of their rights and privileges. The Act makes the safeguarding of their legitimate interests and the securing to them and to their dependents of any rights provided by the Act a special responsibility of the Governor General and the Governors. They have been virtually placed beyond the control of popular ministers who cannot, of their accord, even transfer them from one place to another. Any order formally punishing or censuring them has to be passed by the Governor or the Governor General in his individual judgment. The provisions relating to the protection of the rights of the Services constitute an important part of the Act of 1935.

The proportion of Indians to non-Indians in the Services

recruited by the Secretary of State 'is to be determined by him in accordance with the recommendations of the Lee Commission. It may be pointed out that the Lee Commission had recommended the direct recruitment of Indians and Europeans in equal number to the Civil Service, and in the proportion of three Indians to five Europeans in the Police Service. According to their calculations the personnel of the Police Service would be half Indian and half European by 1949, if account is taken of promotions to the superior service from provincial ranks. The equality of proportion was to have been achieved in 1939 in the case of Indian Civil Service. It may also be pointed out that for long the doors of the Civil Service were practically closed to Indians as recruitment was based on the basis of a competitive examination held in England where Indians found it difficult to compete with Europeans on terms of equality. It was only on the recommendation of Mr Montague and Lord Chelmsford that recruitment in England was supplemented by recruitment in India on the basis of a competitive examination held here simultaneously with the one in England. They also fixed a definite percentage of persons to be recruited in India. Although the Indian element in the three important services has increased, progressive Indian opinion is not satisfied with the present state of affairs, and the demand for further Indianisation is persistent.

(11) *The Federal Services* — The Federal Services under the general control of the Governor General constitute the second main group of the Civil Service. They include services in the Foreign and Political Department, the Ecclesiastical Department, Customs, Posts & Telegraph, Audit Finance, Railways, Salt, Opium, Income-Tax, and other departments administered by the Federal Government. The Defence Services are not civil, they constitute a separate class by themselves.

Recruitment to the Foreign and Political Department is not direct. Vacancies are filled by transfers from the Indian Army and the Indian Civil Service, and to a smaller extent by promotions from subordinate ranks. Transfers recommended by the Governor General must be approved by the Secretary of State. The Foreign and Political Department is largely staffed by non-Indians. The Lee Commission recommended that 25 % of the

total officers to be annually appointed should be Indians

The Railway Services are to be under the general control of the Railway Authority which shall have the right to frame rules regulating the appointment to the superior services in consultation with the Federal Public Service Commission. In making appointments the Authority is enjoined to see that the share of the Anglo-Indian community in them does not fall below what they were getting in the past. The position of the community in the Customs and the Post and Telegraph department is also similarly safeguarded.

Appointments to Federal Services other than those recruited by the Secretary of State and the Railway Authority are made by the Governor General on the recommendation of the Federal Public Service Commission. The Commission notifies the vacancies in the different departments, and recommends the names of suitable persons on the basis of open competition or such tests as may be prescribed. This mode of making appointments to the Federal Services on the advice of a duly constituted Public Service Commission eliminates favouritism and partiality. It also makes it impossible for the Legislature to exercise any control over or influence the appointments and promotions in the Services.

The conditions of service of persons serving the Federation in a civil capacity (other than those appointed by the Secretary of State) shall be determined by rules made by the Governor General. The Federal Legislature may also frame rules regulating the conditions of their service. It may be added that no person appointed by the Governor General can be dismissed save by him.

(iii) *The Provincial Services*—The third class of public servants consists of those who serve in the provincial sphere and are under the general control of the Governor of the Province. It must not be imagined that all the persons paid out of the provincial revenues and serving the province are recruited by the Governor or by persons authorised by him in this behalf. There are several posts like those of the High Court Judges, Divisional Commissioners, Collectors and District Magistrates, District and Sessions Judges, Inspectors General of Police, members of the

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Board of Revenue, Civil Surgeons, Superintendents of Police, and Secretaries to Government which are reserved for persons of All-India Services recruited by the Secretary of State. It would be observed that they are the posts involving great responsibility and power, concerned as they are with the general direction and control of the civil administration. The District Magistrate and Collector is responsible for the administration of the district, the Superintendent of Police controls the police administration, the Civil Surgeon supervises and controls the administration of medical relief. Above these and other district officers there are superior authorities like the Divisional Commissioner and the Deputy Inspector General of Police. The entire administration is thus effectively controlled by persons appointed by and responsible to an outside authority, the Secretary of State for India.

The public services under the control of the provincial government may be classified into superior and subordinate provincial services. This distinction may be illustrated from any department. The Inspector of Schools, the Head Masters and Principals of important Government High Schools and Intermediate Colleges, the Principals and senior members of the teaching staff of Training Colleges belong to the superior provincial service. Assistant Masters in Government Schools and Colleges, the Deputy Inspectors of Schools and some other officers in the Educational Department belong to the subordinate service. Similarly, deputy collectors, assistant surgeons, deputy superintendents of police, civil judges, and a few munsifs, to take only a few examples from some of the departments, belong to the superior provincial service, while tehsildars, sub-assistant surgeons, sub-inspectors of police, and excise inspectors belong to the subordinate service. The difference between the two grades lies in their scales of pay. The more able and competent of the persons in the subordinate service are promoted to the senior grade before they are superannuated. Recruitment to the subordinate service is made on the basis of open and competitive examinations conducted by the Provincial Public Service Commission, and to the senior service partly by direct appointment on the recommendation of the Public Service Commission and partly by promotions from the subordinate ranks.

Recruitment for still lower posts is made by departmental heads. University graduates and undergraduates usually seek admission to the various ranks of the provincial services.

General Remarks — The Civil Service in India has always had great attraction for the Britisher and the Indian alike. It is because 'the start is good, promotion is certain, the future is guaranteed, and the prizes in one's way are many'. In the past it was not merely the very high emoluments attached to the service and the prospect of a comfortable retired life with a decent pension that attracted the British youth, the exercise of power and authority associated with it was also a great attraction. The Civil Servant then administered as well as ruled. Things have not changed very much since then. Under the new Act responsibility is as much concentrated in the District Officer as ever before, the Divisional Commissioner and other high officials retain their powers intact. The one difference is that under Provincial Autonomy they have now to take orders from and carry out the policies framed by the Ministers. They have lost the former power of rendering help in the shaping and moulding of the policies of government. As has been indicated already they smelt danger to their vested interests in the introduction of reforms and demanded adequate safeguards for the protection of their rights. It was feared that the Services which distrusted the Congress might not loyally co-operate with the latter in the working of Provincial Autonomy. The working of the Reforms has shown that mutual distrust was wrong, the Congress and the Services were able to adjust themselves to each other.

This does not mean that the Congress or nationalist opinion is not sharply critical of the very high salaries and allowances given to them or of the manner and method of their recruitment. Nowhere in the world is the Civil Service so highly paid as in India, despite her grinding poverty. The country is made to spend more on the Governor General than Great Britain does on her Prime Minister or the United States of America on the President. The Chief Justice of America gets about the half the salary drawn by the Chief Justice of the Federal Court. The Commissioners and

* Joshi *Indian Administration*, page 197

the Collectors draw unjustifiably high salaries. The cost of civil administration is extremely heavy and must be reduced. There is no chance of doing it so long as the Services continue to be recruited by the Secretary of State. Indian opinion has been demanding that the Services must be recruited and controlled by an agency responsible to the people of the country. Not until that is achieved will the Services cease to be masters of the people, and become their servants.

In spite of the recommendations of the Lee Commission, the non-Indian element predominates over the Indian element in the key services. In 1933 there were 152 Indians in the Indian Police and 478 in the Indian Civil Service as against 505 and 819 Europeans respectively. In the Indian Medical Service the numbers were 98 and 200. Out of a total of 3,420 for eight All-India Services, 1,227 were Indians and 2,193 Europeans. There is great scope for Indianisation.

It may also be pointed out that the great difference between the salaries paid out to the All India Services and those given to the Provincial Services is an additional cause of disaffection against the former. Such a great disparity should not exist. A reduction in the salaries and allowances of the senior Services is thus an immediate necessity. There is no hope of its being achieved until India becomes fully master of her own affairs.

Public Service Commissions — The Act provides for the establishment of a Federal Public Service Commission for the Federal Government and a Public Service Commission for each Province. Two or more provinces may however agree to have only one Public Service Commission to serve the needs of both. The Federal Public Service Commission may, on the request of a Provincial Governor and with the approval of the Governor General, agree to serve the needs of a province.

A Public Service Commission is to be composed of such a number of persons as may be fixed by the Governor General or the Governor of a Province as the case may be. The very same authority acting in discretion appoints its members, determines their tenure of office and conditions of service. The Governor

General appoints the Chairman of the Federal Public Service Commission, and the Governor that of the Provincial Public Service Commission. One half of the members of a Commission must be persons who at the time of their appointment must have held office under the Crown in India for at least ten years. To ensure impartiality and independence in the discharge of their duties the chairmen and members of the different Commissions are debarred from being appointed to posts under the Crown in India other than the chairmanship of another Commission or the membership of the Federal Public Service Commission in the case of members of Provincial Commissions.

The Federal and Provincial Public Service Commissions conduct examinations for recruitment to the services of the Federation and the Provinces respectively. The Federal Commission may also assist two or more Provinces on request in the selection of candidates with special qualifications. A Commission is usually consulted on (i) all matters relating to the methods of recruitment for appointment to civil posts, (ii) principles to be followed in making appointments, promotions, and transfers from one service to another, and on the suitability of candidates for such appointments, promotions and transfers, (iii) all disciplinary matters affecting a person serving in a civil capacity in India, and (iv) claims for the award of pensions for injuries sustained by persons while serving in a civil capacity, or for the award of cost of litigation for acts done in the discharge of official duties. A Commission may not be consulted in the case of appointments to subordinate ranks in the police force. It may also not be consulted about the distribution of posts between different communities.

All the expenses of the Federal Public Service Commission are a charge upon federal revenues, and those of a Provincial Public Service Commission a charge on the revenues of the province concerned.

Chapter XV

DISTRICT ADMINISTRATION

Introductory — The general system of administration in British India is based on the principle of sub-dividing territory into areas of decreasing size and placing each of them under the charge of progressively junior officers. The Province, whose administrative head is the Governor, is divided into a number of units called Districts, each of which is under the charge of a district officer known as the District Magistrate and Collector. Each one of the districts is further sub-divided into smaller areas called Tahsils under the charge of subordinate officials known as Tahsildars or Mamlatdars. Each Tahsil comprises a number of villages with their own village officials, the Patwari, the Lambardar or Patil and the Chowkidar. The village officials are under the control of the Tahsil officials who in their turn are controlled by the District Collector. The Collectors are subject to the supervising authority and control of higher officials called Divisional Commissioners (in some provinces only) and ultimately of the Governor. 'Each administrative area is in charge of an officer who is under the control of another officer of superior authority and the whole structure may be compared to a pyramid with Government at the apex. The working of the machinery of administration depends upon the constant supervision of lower by higher officers, whose control is exercised in various ways.. There is a regular gradation of offices, and there are different grades in different services with promotion from one to another' *

In this administrative system, the district occupies the central and pivotal position. It is the unit of administration, 'the key-stone of the whole administrative structure'. There are 269 districts in British India of varying size and population. The smallest may be a little less than 1,500 sq. miles, while the largest covers an area of more than 6,000 sq miles. According to one authority the average size of a district is 4,075 sq miles, according to another 4,430 sq. miles, and the average population is one million.

* *Modern India*, edited by Sir John Cumming, page 91.

The District Officers — Almost every governmental department has its own distinct head at the headquarters of each district. There is the Civil Surgeon as the head of the Medical Department, the Superintendent of Police as the head of the Police Department, the District and Sessions Judge as the head of the district judiciary, the Executive Engineer in charge of the Public Works Department, and there is, the most important of all, the District Collector and Magistrate in charge of the collection of revenue and responsible for the maintenance of peace and order in the district. There is also the Inspector of Schools for a number of districts. Every district has a District Jail under the charge of a Superintendent. Each of these district officers is under the provincial chief of the department.

The District Magistrate and Collector.— Of all the district heads of departments, the District Magistrate and Collector is the most powerful and influential. Responsibility is concentrated in him to an extraordinary degree. He is the chief representative of British authority in the district, and in the eyes of most of its residents, the Government. It is to him that the people look not only for the redress of their wrongs and protection against oppression by their compatriots, but also for relief from distress caused by floods, famines, hailstorms, locusts, cyclones and other natural agencies. Poor and illiterate persons address him as '*Saikh, mai-bap*'. The Government depends upon him and his subordinates for maintaining contact with the people and keeping it informed of the general situation in the district. 'He is the eyes, the ears, the mouth, and the hand of the Provincial Government within his District and serves as its general representative'.* He thus constitutes the link between the Government and the rural population.

The office is generally held by a member of the Indian Civil Service. Occasionally members of the Provincial Civil Service are promoted to hold it towards the close of their career. In some Provinces, e g, the Punjab, he is known as the Deputy Commissioner. As his very designation indicates, he has a dual capacity. As the Collector he is the head of the revenue collecting

* Palande *Indian Administration* page, 352

organisation, and is concerned with land and land revenue problems as well as with problems which affect the general welfare of the peasants. He issues licenses to vendors of liquors and narcotic drugs like opium and charas, and conducts *abkari* sales. He is also responsible for the collection of revenue from forests and non-agricultural lands. He has also to deal with famine relief, loans to agriculturists, management of indebted estates, alteration and partition of holdings, and registration. The department of registration is under his control. If any epidemic breaks out in the district, he is required to look into the adequacy of the steps taken to combat it. He is also in charge of the Treasury and is responsible for the correctness of accounts and the safe custody of the valuables it contains. He has some powers in respect of municipalities, district boards and village punchayats. His duties are thus multifarious.

In his capacity as the District Magistrate he has equally important duties, executive and judicial. As a judicial officer he has the powers of a first class magistrate and can pass a sentence of imprisonment up to two years and a fine of not more than one thousand rupees. He can also entertain appeals against the decisions of second and third class magistrates in the district. In practice he does not himself try criminal cases but entrusts them to some other first class magistrate. His executive duties as the District Magistrate are of far greater moment and take up a good deal of his time and attention. He supervises the work of all the magistrates in the district and controls the administration of criminal justice. He is primarily responsible for the maintenance of law and order within his territorial jurisdiction. For this purpose the entire police force in the district is put under his control and direction, all police officers in the district have to carry out his orders. The Superintendent of Police has to assist him in combating all activities of a violent or non-violent character which are likely to disturb the peace of the district, e g, communal rioting, thefts and dacoities, civil disobedience campaigns, and other movements considered to be subversive of law and order. He can ban processions and public meetings and impose curfew order. He also controls the issuing of licenses for keeping arms under the Arms Act. It is the duty of the Superintendent of

Police to keep him fully informed by personal talk and special reports on all matters of importance concerning the peace of the district and the prevalence of crime

It should be remembered that the District Magistrate has nothing to do with the internal administration of the police department or the maintenance of discipline in the force. Such matters fall within the exclusive jurisdiction of the Superintendent of Police. The two officers usually co-operate together in the preservation of law and order. It may be mentioned in passing that the District Magistrate visits the jail at least once a month, recommends names of persons to the Government for appointment as Honorary Magistrates, and for the conferment of titles, etc.

Though the District Magistrate has no direct concern with the work of the heads of other departments in the District each of whom is free to manage it under the direct control of his own provincial departmental chief, the latter are required to keep the District Magistrate informed of important activities in their departments because they touch the operation of Governmental agency at one point or the other. The District Magistrate thus acts as a sort of co-ordinating officer. In this connection the following observations of the authors of the Montford Report would be found interesting 'Several other specialised services exist, with staff of their own, such as the establishments for irrigation, roads and buildings, agriculture, industries, factories, and co-operative credit. These are controlled not by the District Officer but by their own departmental heads, they may be regarded as a different set of strings connecting the Government with the people. But in various degrees the District Officer influences the policy in all these matters, and he is always there in the background to lend his support, or if need be, to mediate between a specialised service and the people.'

Of all the departmental heads in the district the District Magistrate and Collector comes into the closest contact with the people. His activities influence the welfare of the masses more than the doings of any other district officer. He is therefore required to spend a considerable part of the year in camp, and visit all the parts of his charge. It is when he is out on tour that he gains first-

hand knowledge about the people and their problems and comes into contact with the realities of the situation. The value and importance of the 'camp' life cannot be under-estimated.

From the foregoing account of the multifarious duties and powers of the District Magistrate the importance of the office should be very clear. He is the most important officer of the Government, the pivot on which the whole administration turns. Little wonder that British Imperialism should be anxious to keep the appointment, conditions of service, promotion, etc., of District Officers under its own control.

One of the sources of the great power and prestige of the District Magistrate and Collector is the union of executive and judicial functions. As an officer responsible for the maintenance of law and order in the district he can authorise the prosecution of certain persons on the ground of their being a danger to public peace. As one who supervises the administration of criminal justice in the district he is in a position to influence the judgment passed on them. As a visitor to the jail he has the power to see how his victim is being treated. He is thus the prosecutor, the judge and the jailor combined. This union of executive and judicial functions in the being of the District Magistrate makes justice a very rare commodity in political cases. Public opinion in India has been consistently demanding the separation of the two distinct functions. Political reasons stand in the way of the reform being introduced.

Sub-Divisions of the District.— For administrative purposes, every district is divided into a number of sub-divisions called Tahsils in the United Provinces. The District Collector and Magistrate administers each of these sub-divisions with the help of a large staff of subordinate officials some of whom work at the district head-quarters and others function at the subdivisional head-quarters. The sub-divisional officer is either a member of the Provincial Civil Service called Deputy Collector, or a new entrant into the Indian Civil Service and is known as an Assistant Collector. He administers the affairs of his sub-division under the immediate control of the District Officer and performs the same kinds of functions in respect of his charge as his superior officer does in regard to the district. He supervises the adminis-

tiation of land revenue and exercises first class magisterial powers. Below him are subordinate revenue officials like the Tahsildar, and the Naib Tahsildar. The Tahsildar usually exercises the powers of a II Class Magistrate. The Tahsildar is for his Tahsil what the Collector is for the district. The Tahsil is further sub-divided into a number of *parganas* each with a *Kanungo*. Under every *Kanungo* there are several *Patwaris*. The *Patwar* is the juniormost revenue official for a group of villages. He prepares the basis on which the whole structure of revenue administration is reared.

The smallest unit of administration is the village. About 90 % of the population of India live in the seven lakhs of villages that lie scattered throughout the length and breadth of the country. In olden times the villages possessed a large amount of autonomy, they were small autonomous republics. The advent of British power changed all this, and to-day they have become tied to the apron strings of the cities. Their tradition of self-sufficiency is fast disappearing, and the corporate life which was a distinct feature of them has ceased to exist. Attempts have been made in the recent past to revive it by means of Village Panchayats. At present we are concerned with the village administration. Every big village has its headman called *Mukhia* in the United Provinces, *Lambardar* in the Punjab and *Patil* in Bombay. He is responsible for everything of public interest in the village, looks to the maintenance of order, collects land revenue and deposits it in the district treasury, reports the presence of bad characters to the police and turns them out of villages. All government orders are communicated through him. He also looks to the needs and requirements of government officials touring in the village. Besides him there are the *Patwar* and the village watchman.

The Divisional Commissioner — So far we have been dealing with the district and its territorial sub-divisions,— the sub-division or the tahsil, the pargana and the village. There is also a unit of administration wider than the district of which notice has to be taken. In most of the provinces, but not in all, a number of districts are grouped together to form a Division. There are six Divisions in the United Provinces. Each one of them is under the

charge of a senior member of the Indian Civil Service, who is known as the Commissioner. He exercises general powers of supervision over the work of the Collectors in his Division, and is the link of communication and intermediary between them and the provincial Government. He advises the Government as to the action to be taken on proposals about district administration submitted by the Collectors to the Government, and also sees that they carry out the policies of the Government. In some provinces, *e. g.*, the United Provinces, they exercise control over the working of municipal and district boards and other local bodies, particularly over their budgets.

The Commissioner also hears appeals in revenue cases from the decisions of the district collector. Public opinion in the country does not favour the continuation of the office and desires its abolition. It is however a prize post for the I. C. S., and cannot be abolished without the approval of the Secretary of State for India. There is no early prospect of its abolition.

Chapter XVI

LOCAL SELF-GOVERNMENT IN INDIA

Introductory.— The claim is sometimes made that local self-government 'as a vital link in the chain of organisms that make up the Government of the country' is a British creation in India. If by the term 'Local Self-Government' we mean nothing more than the administration of certain affairs of a locality by the people of the locality itself, the claim cannot be accepted as true. Students of ancient Indian history inform us that from very old times there has existed in the country local self-government of a very genuine and vigorous character. 'The village communities are', as Sir Charles Metcalf wrote in 1832, 'little republics, having nearly everything they can want within themselves, and almost independent of foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds revolution, Hindu, Pathan, Mogul, Marhatta, Sikh, English all are masters in turn, but the village community

remains the same . This union of the village communities, each one forming a little state in itself, has, I conceive, contributed more than any other cause to the preservation of the peoples of India through all the revolutions and changes which they have suffered and is, in a high degree, conducive to their happiness, and to the enjoyment of a great portion of freedom and independence' Village autonomy and self-sufficiency were the striking features of our polity during the Hindu period, and they were not much affected during the Muslim rule either But that type of local self-government was very much different from the variety which we now find in the form of Municipal and District Boards and other local bodies, and which may truly be said to be a British creation. Though elections did not figure so prominently in the ancient village republics as they do in modern municipalities and district boards, the former were far more broad-based than the latter are, and their activities covered a much larger ground than those of the latter The village republics were based on a principle not now recognised, namely, 'the responsibility of the whole community for the action or inaction of any individual member' * In discarding the old institution and introducing a novel one, whether the British authorities acted wisely or otherwise is a question difficult to answer. But this much may be surmised that the development of local self-government would have been sounder and led to happier results if the alien government had decided to build on old foundations and not to transplant institutions from the British soil

Landmarks in the Development of the Present System —Local Self-Government 'in the sense of a representative organisation responsible to a body of electors, enjoying wide powers of administration and taxation, and functioning both as a school of training in responsibility and a vital link in the chain of organisms that make up the Government of the country' is certainly a British creation, and of very slow growth It is far from having reached the stage of perfection It has not attained the degree of success it has done in Great Britain and other lands It originated in the Presidency town of Madras where a Corporation on the model of

an English Town Corporation was established by a Royal Charter as early as 1687, and from there spread to the other two Presidency towns—Bombay and Calcutta. The Madras Corporation did not survive, and a new one on different lines was constituted. The functions of the Corporations in the beginning were largely judicial, but later on they were given some administrative powers and were also empowered to levy certain taxes. For long the essay in municipal government was confined to the three Presidency towns. It was only in 1842 that an effort was made to extend it to other cities in Bengal. In that year an Act was passed with a view to enabling the inhabitants of any place to make provision for purposes connected with public health and convenience and raise money for the purpose by direct taxation. It was, however, inoperative, and had to be repealed. It was followed by another Act in 1850 which applied to the whole of British India. The Act of 1850 marks the beginning of the *second* stage in the growth of municipalities for urban areas. It authorised the Government of any Province to bring it into operation in any town provided it was satisfied that its inhabitants wished its application. It could then appoint the magistrate and such a number of persons as may be necessary to be the Commissioners and confer on them the power to make rules and levy octroi duties. The North-Western Province, as the United Provinces was then called, and Bombay availed themselves of the provisions of the Act of 1850. This Act, though important as extending the operation of municipal government to cities other than the Presidency towns, did not contribute anything towards the growth of local self-government, as under it the Municipal Commissioners were nominated by the Government and not elected by the people. The chief function entrusted to the newly constituted municipalities was the improvement of sanitation.

The real foundations of local self-government were laid by the Resolution on Provincial Finance passed by the Government of Lord Mayo in 1870. It referred to the necessity of taking steps to bring local interest, supervision and care to bear on the management of funds devoted to education, sanitation, medical aid and local public works. Lord Mayo pointed out that if full effect were given to this Resolution, it was bound to afford

opportunities for the development of self-government and the strengthening of municipal institutions, and for the association of Indians and Europeans in the administration of affairs to a greater extent than was hitherto the case. For this purpose new Municipal Acts were passed in various Provinces which resulted in the introduction of the elective principle in the composition of the municipalities which were brought into existence in larger numbers in urban areas and given larger powers. But it was only in the Central Provinces that popular representation was widely and successfully adopted. Little or nothing was done for the introduction of local self-government in rural areas except the institution of local funds for local improvement.

The next important step was taken by Lord Ripon. He instituted a survey into the results of the policy adumbrated in the Resolution of 1870, and found that though considerable progress had been made since then, the rate of progress was not the same in all localities and in different parts of the country. He also noticed that in many places services admirably adapted for local management were reserved in the hands of the Central Administration. After a thorough investigation and after having invited the suggestions of the Provincial Governments, his Government issued the famous resolution on Local Self-Government in 1882 which marked the effective beginning of home rule in local affairs and has since then guided municipal legislation in all the Provinces. It is too lengthy to be quoted in full. Important extracts from it are given below —

‘In advocating the extension of local self-government, and the adoption of this principle in the management of many branches of local affairs, the Governor General-in-Council does not suppose that the work will be, in the first instance, better done than if it remained in the sole hands of the Government District Officers. It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an Instrument of political and popular education. His Excellency-in-Council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow.

'But as education advances, there is rapidly growing up all over the country an intelligent class of public-spirited men whom it is not only bad policy, but sheer waste of power to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilization and material prosperity. The cry is everywhere for increased establishments. The universal complaint in all departments is that of over-work. Under these circumstances, it becomes imperatively necessary to look around for some means of relief. The only responsible plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs, and to develop, or create, if need be, a capacity for self-help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of Government.

'The previous attempts at Local Self-Government have been too often over-riden, and practically crushed by direct, though well-meant, official interference.'

After having explained the value and necessity of local self-government and pointed out that in the past a fair trial was not given to it, the Resolution proceeded to lay down the general lines on which it was to advance. In the first place, it made it a duty of the Provincial Governments to extend the principle throughout the country. It was not to be confined to the cities but extended to rural areas also. Up to that time there were no local Boards in rural areas, the funds meant for being spent on local roads, schools and dispensaries were managed by district officers with the help and on the advice of local consultative committees. These committees were abolished, and Local or District Boards were established in their place. In the second place, there was an extension of local self-government in towns and cities, and the urban committees were made as independent as possible. In the third place, the number of officials on the local bodies was much reduced, it was not to be more than one-third of the total strength of the committee. In the fourth place, the Resolution recommended that the Chairman of a local board should be non-official wherever practicable. Till then the District Magistrates used to be the ex-officio

chairmen of municipal boards and district committees. Lastly, it recommended that the Provincial Government should exercise control over the local bodies from without rather than from within.

Shortly after the Resolution was issued, Local Self-Government Acts were passed in various provinces to give effect to its recommendations. Some progress was made, though on the whole the results were not very satisfactory. The scheme did not prove much of a success because of inadequate financial resources, the general indifference of the people, narrow franchise, and above all, because of the all-pervading official control. In spite of the recommendation of the Resolution, official presidents continued to be appointed in a majority of cases, and in many towns the municipalities confined their activities to approving the decisions of the official chairmen. As was pointed out by the authors of the Montford Report, in many a district the local board became a department of the Government administration, and its work was done by the official element within it or by some other departments of the Government at the cost of the Board. In the language employed by the Simon Commission some years later, 'outside a few municipalities, there was in India nothing that we should recognise as local self-government of the British type, before the Reform.'

It may not be out of place here to point out that with the acceptance of the principle of separate communal representation by the Government in the first decade of the century, the Muslims were given separate representation in the local bodies in several provinces. The spirit of communalism is utterly inconsistent with the principle of local self-government, the introduction of communal representation in local bodies could not but have adversely affected their working.

About thirty years were allowed to elapse before the Government of India again considered the question of local self-government and passed a resolution in 1915. But within an year of the passing of this resolution the question of constitutional reforms was mooted by the Secretary of State, and the

Government of India agreed with him that the first step must be taken in the domain of Local Self-Government. In 1918 the Government passed another important and more liberal resolution on the subject whose basic principle was that 'Responsible institutions will not be stably rooted until they are broadbased, and that the best school of political education is the intelligent exercise of the vote and the efficient use of the administrative power in the field of local self-government.' Recognising the educational value of local self-government, it sought to make local bodies as representative of the people as the conditions permitted. This it tried to achieve by (1) lowering the franchise and (2) giving them substantial elected majorities. It laid down that at least three-fourths of the seats must be filled by election and that a few officials should be nominated purely for giving expert advice but without the right to vote. Secondly, it sought to relax external control by replacing official by elected non-official chairmen in municipalities, and wherever possible in local or district boards also. Thirdly, it gave them slightly larger powers of taxation within their jurisdiction. Fourthly, it gave them a freer hand in respect of their budgets. Several of the above stated recommendations of the Resolution were designed to decrease the control exercised by the provincial governments on local bodies and to give them greater powers. Mention may also be made of two other proposals made by the Resolution of 1918. One was to establish a separate department of Local Self-Government in every province, and the second was to establish village panchayats for the purpose of developing corporate life in the villages.

Immediate effect was given to the Resolution, and during the course of the following two or three years legislation was passed in the various provinces on its basis. The Reforms of 1919 gave a special stimulus to the development of local self-governing institutions in the country, as Local Self-Government was made a transferred subject in the provinces under the control of ministers responsible to the legislature. It should be remembered that one of the broad and fundamental principles of the Montford Report was to give, so far as possible, complete control in local

bodies and the largest possible independence for them of outside control

The Reformed Legislatures passed legislation in the various provinces reforming and extending the system of local self-government. They extended the franchise, enlarged the boards and gave them more powers. Efforts were also made to free them from official control and to make them responsible to an enlarged electorate. No important changes have been made by the Act of 1935 in the domain of Local Self-Government.

As a result of the very slow process of development, important stages of which have been sketched above, we find local bodies of several types functioning in our country. We have Corporations for the three Presidency towns, Municipalities for big cities, Town Committees and Notified Area Committees for smaller urban areas, District Boards, Taluqa Boards, and Village Panchayats for rural areas. The composition, powers and functions of each type are described below.

CORPORATIONS

Local self-governing bodies in large urban areas are called Municipal Boards, except in the three Presidency towns where they are called Corporations. Every Corporation is constituted under a separate Act and has specific powers and functions which may differ from those of another Corporation. All the Municipal Boards in a province are constituted under one and the same Act, their powers and functions are thus bound to be exactly alike. A Corporation has a higher status than a municipality, its members are called Councillors, and the presiding officer the Mayor. It is also much bigger in size. The Bombay Corporation consists of 106 Councillors and the Calcutta Corporation of 91, whereas the municipal boards in big cities like Cawnpore and Lucknow contain between thirty and forty members.

The Corporation of Bombay consists of three types of members, elected, nominated and co-opted. Of the 106 Councillors, 76 are elected from the various wards into which the city is divided for electoral purposes. The Bombay Chamber of Commerce, the

Indian Merchants' Chamber, the Mill Owners' Association, and the Bombay University send one representative each. Sixteen are nominated by the Government, and ten are coopted by the ninety-six elected and nominated members. Councillors are elected on a wide franchise, and special interests like trade, commerce and labour are given special representation. In Calcutta there are special seats reserved for Mohammedans filled by Mohammedan voters. The Councillors choose their own Mayor. In Bombay the convention has grown up to elect a Hindu, a Mohammedan, a Parsi and a European Mayor in succession. The Calcutta Corporation appoints its own Executive Officer, while in Bombay he is appointed by the Government and is usually a senior member of the I C S. The annual income of the Bombay Corporation is about three crores, and of Calcutta about two crores of rupees.

MUNICIPALITIES

General— 'There are 728 municipalities in British India, varying in size from cities like Ahmedabad with a quarter of a million inhabitants to small towns with a few thousands of inhabitants, and with something over twenty-one million people resident within their limits. During recent years qualifications for voters have been lowered in every Province. Generally speaking fourteen per cent of the urban population enjoys municipal franchise. In every municipality the majority of the members are elected. The proportion of the elected members varies from Province to Province '*

Bombay has the largest number of municipalities, and the largest percentage of its population lives in municipal limits. The North West Frontier Province has the smallest number of municipalities, with Assam ranking just above it. The total number of towns having municipal boards in the United Provinces is 85, as against 155 in Bombay (before Sind was separated from it), and 118 in Bengal. The elected members form a majority

* Joshi *Indian Administration*, page 239. The figure 728 represents the number of municipalities in British India exclusive of Burma. The figure 781 given in another book perhaps includes the municipalities in Burma.

everywhere. About seven per cent of the members are *ex-officio*, about 25 % are nominated and the rest elected. Some time ago the nominated element constituted 30 % and the officials formed 12 % of the total strength. As stated previously, the proportion of elected to nominated members varies from province to province.

In what follows we shall describe the composition, powers and functions of the Municipal Boards as they are constituted in the United Provinces.

Their Constitution — The administration of Municipal Boards in the United Provinces is governed by the United Provinces Municipalities Act of 1916 as amended from time to time. The Provincial Government may declare any local area to be a Municipality, define and fix its limits, and include or exclude any area in or from any municipality by a notification. It may cancel any previous notification declaring an area to be a municipality. It may also declare any municipality to be a city, if it has a population of not less than 100,000. The total number of municipalities in the province is 85, it has not increased or decreased for a long time. The Act has fixed the total strength of each Municipal Board, the number of elected Muslims, elected non-Muslims, those elected by special electorates, if any and the maximum number of persons to be nominated by the Government to it. For example, the Meerut Municipal Board consists of 8 elected Hindus, 7 elected Muslims, and three persons nominated by the Government. The largest Board is that of Allahabad having a strength of 38 members—19 Hindus, 12 Muslims and 7 nominated. The next largest is the Cawnpore Board with 37 members of whom 17 are elected by the Hindus, 11 by Muslims, 2 by a special electorate consisting of Marwari electors, and 7 nominated by the Government. The third largest is the Lucknow Board with a total strength of 36 members of whom 16 are Hindus, 11 Muslims, two elected by Europeans, and 7 nominated by the Government. The smallest Board consists of 7 persons, e.g., those of Baraut in the Meerut District, Sonon in the Etah District, Ujham in the Badaun District, and Oraon and Kalpi in the Jalaun District. The number of persons nominated by the Government does not exceed 7 in any case, in a majority of cases it is two or three. In no case it is to exceed one-fourth of the prescribed number of elected members.

The nominated woman member is not counted in determining this number

The maximum strength of a Municipal Board as fixed by the Government is exclusive of the Chairman. The chairman is elected by the members, either from among the elected members or from outside. Of the members nominated by the Government one is always a woman, and another, if the number exceeds one, a member of the Scheduled classes. It is also laid down that the proportion of Muslim and non-Muslim members, including both elected and nominated members, shall not be altered by the nomination of a woman so as to convert a majority of one community into an equality with the other community. This provision means that if a Hindu woman is nominated to a Municipal Board, the Government sometimes find it necessary to nominate a Mohammedan to counteract its result.

It should be remembered that the Act concedes separate representation to the Muslims in every Municipal Board. All the other religious groups are grouped under the head 'non-Muslims'. The Muslims are given 30 % representation in case they form less than 25 % of the total population of a municipal area. If they constitute between 25 and 30 % of the population, they get 38.5 % seats. If their number is above 38.3 % of the population, they get representation according to their strength. Special electorates have been created for (i) Europeans in Dehra Dun and Lucknow, (ii) Marwaris in Cawnpore, and (iii) the railway employees living in the Civil Lines in Kasganj.

It may be pointed out that a Municipal Board is usually constituted for a four year term. The Government can extend its life. The Boards constituted in 1935 in the U P continued to function till December, 1944. The Government can also supersede a Board.

Municipal Franchise — As was pointed out in another connection the franchise for the provincial legislatures was fairly broadened as a result of the recommendations of the Lothian Committee.* This Committee naturally did not examine the question of municipal franchise. It was felt that the provincial legislatures should be left free to determine its extent and lower it if they

* See *Supra*, pages 128—31

so desired. Had the World War not interrupted the course of events in the country and led to the resignation of Congress Ministries, the question of municipal franchise would have been taken up along with the problem of overhauling the system of local self-government in general. But that was not to be, the system and the franchise remained where they were. When the United Provinces Government announced its intention of holding municipal elections in December, 1944, it also decided to revise and lower the franchise. The new franchise qualifications were published in the Government Gazette. But something happened, the revised scheme was withdrawn, and the elections were held under the old franchise. According to it a person has the right to get his name included in the electoral roll of a constituency, if he is above 21 years of age, has resided in the constituency for at least one year, and is either a graduate of a university, or pays income-tax or municipal tax (other than the octroi, toll, house, or other such taxes), or is the owner or tenant of a house or building having a rental value of Rs 36/- per annum, or pays land revenue of not less than Rs 10/- a year. Persons below 21 years of age, undischarged insolvents, lunatics, and those who have been sentenced to imprisonment for two years or more (provided five years have not elapsed since release), or are in arrears in the payment of dues to the Municipality are not qualified to be voters. The disqualification arising from conviction by a criminal court can be set aside by the Governor acting in his discretion.

Functions of Municipal Boards — It is customary to divide the functions of local bodies like municipal and district boards into two main classes, compulsory and discretionary. Those functions are called *compulsory* or *obligatory* which all such bodies are required to perform, and for which they are legally bound to make provision in their budgets. Those functions are called *discretionary* or *optional* the execution of which is made dependent upon funds being available. If funds do not permit, a local body cannot be taken to task for failure to perform a discretionary function.

The compulsory functions generally relate to public safety,

public health, public convenience, and public education. In the Municipal Act they are not arranged under these different heads but are enumerated without any definite order. It would be conducive to clarity if they are classed under these heads :

(i) *Relating to Public Safety.*— The most important municipal activities under this head are the lighting of streets and public places at night, the maintenance of fire-brigades for extinguishing fires, regulating dangerous and offensive trades like the construction of kilns for the manufacture of lime, bricks, etc., the removal or pulling down of dangerous buildings and structures, the destruction of mad dogs and wild animals. The adoption of what have been very appropriately called 'safety first' measures, e g, the regulation of street traffic, the provision for footpaths in important and congested streets, and the provision for precautionary measures against accidents, come under this head. In our country these functions are discharged by the police, but in foreign countries municipalities perform them.

(ii) *Relating to Public Health.*— The functions performed by Municipal Boards in connection with the care of public health are among the most important. The cleansing of public streets, the removal and disposal of night soil and other filthy matter, the construction and maintenance of drains and sewage works, maintenance of hospitals and dispensaries, sanitation, removal of noxious vegetation and the abatement of nuisances, maintenance of public urinals and lavatories, the prevention and checking of dangerous diseases, the supply of drinking water, the construction and maintenance of slaughter houses may be included under this head.

(iii) *Relating to Public Convenience.*— Watering of public streets and places, the laying out and maintenance of public streets, culverts and public markets, the construction of cattle-pounds, registration of births and deaths, acquiring places for the disposal or burial of the dead, putting up dust bins, and naming streets may be included under this head. Provision for easy passenger transport from one place to another in big cities, issuing licenses to tonga drivers, etc., are also important functions of this nature. In foreign countries municipalities maintain handsome and commodious halls for purposes of civic or public gatherings,

theatres, concert halls, skating rinks etc., for public convenience as well as for public instruction. Some municipalities in India do possess halls though they are not big enough.

(iv) *Relating to Public Education* — The establishment and maintenance of primary schools for the education of the citizens within its jurisdiction is one of the most important functions of a Municipal Board. The Government has entrusted the work of primary education in urban areas to municipalities.

The construction and maintenance of public parks, gardens, libraries, museums, lunatic asylums, halls, dharmashalas and rest houses, pool-houses, dairies, public baths, and other works of public utility, planting and maintaining roadside and other trees, reclaiming unhealthy localities, taking census; survey of lands and buildings; registration of marriages, giving relief on occasions of flood etc., construction and subsidising of tramways, railways, and other means of locomotion, and the holding of fairs and exhibitions are among the optional or discretionary functions of Municipal Boards in our country.

Every Municipal Board has to perform the compulsory functions; and most of the important Boards perform a majority of the discretionary functions also. But they do nowhere touch the standard reached by the advanced and enterprising municipalities in Western countries. As compared to their activities, there is vast scope for the expansion of municipal functions in our country. It might interest the reader to know the views expressed by Dr. Albert Shaw in his work on *Municipal Government in Continental Europe*. He says: 'There are, in the German conception of the city government, no limits whatever to Municipal functions. The German city holds itself responsible for the education of all, for the provision of amusement and the means of recreation, for the adaptation of the training of the young to the necessities of gaining a livelihood, for the life of families, for the moral interests of all, for the civilising of the people, for the promotion of individual thrift, for protection from various misfortunes, for the development of advantages and opportunities in order to promote the industrial and commercial well-being and incidentally for the supply of common services and the introduc-

tion of conveniences.'— The Congress Government in the United Provinces had on their hands the preparation of a new scheme of local self-government which would have given greater powers to local bodies and added vastly to the scope of their activities. The circumstances created by the War in Europe forced them to resign before the scheme could mature.

For the proper discharge of their functions and the promotion and maintenance of public safety, health and convenience, Municipal Boards are empowered to make rules and bye-laws which they enforce with the help of government authorities. Such bye-laws, etc., should not be inconsistent with the laws made by the Government.

Municipal Finance — To enable them to meet expenditure involved in the performance of their obligatory and discretionary functions, Municipal Boards are authorised to levy certain taxes. Some of them are direct and others indirect. In the past indirect taxes, among which octroi and toll might be included, were the most important. Though they have not been abolished, the general trend of municipal finance is to replace them by direct taxes. The following are the main taxes from which Municipal Boards derive the bulk of their income: (i) Octroi duties imposed upon goods and animals brought into the town for local consumption or use. (ii) Terminal taxes on goods entering the city limits. In some cases octroi duties have been replaced by terminal taxes. (iii) Toll on vehicles, animals and coolies laden with goods and entering the municipal limits. These three are indirect taxes whose burden falls on persons other than those who pay them. (iv) There are some taxes which the municipalities levy for services rendered. Water tax, scavenging tax, and latrine tax, and to a certain extent the taxes on vehicles and animals are of this nature. These taxes are imposed solely with the object of defraying the expenses connected with the supply of drinking water, cleaning of roads and latrines etc. (v) Taxes on trades and callings carried on within municipal limits and deriving special advantages from or imposing special burdens on municipal services, e. g., a tax on sugar refineries, on cloth merchants or

* Quoted by Prof. K. T. Shah *The Constitution, Functions and Finances of Indian Municipalities*, page 142

tobacco growers. (vi) Taxes on property and income. Taxes on property include the house-tax. The ownership of a house or houses is regarded as a rough criterion of the property owned by an individual. A tax on circumstances and property may be imposed in lieu of or even along with the house-tax. Sometimes Municipal Boards have recourse to a general tax on trades, callings and vocations as distinguished from those trades etc., which derive some special benefits from the municipality. Some municipalities impose a tax on pilgrims also.

Besides taxation, Municipal Boards derive income from the sale of night-soil, disposal of sewage-water, rent from municipal buildings and markets, and nazul lands. Municipal trading can be made a good source of income but is not in vogue in our country. The Provincial Government also might make contributions to municipal funds out of its revenues for specific purposes, e.g., for the introduction of free and compulsory education in selected areas. When some special non-recurring expenditure has to be met, the Municipal Board might borrow from the Government or raise a loan in the market on the security of its income. It may be stated that the imposition of terminal tax in place of octroi duties requires the previous sanction of the Provincial Government. The Cawnpore Municipal Board is perhaps the only board which has made experiment on terminal taxes.

The annual budget has to be drawn up in a particular form prescribed by the Government and must be accompanied by a list showing the original works which the Board proposes to execute during the coming year and other particulars in a form prescribed by the Government. It must be published in a local newspaper or in a paper approved by the Government for the purpose. After it has been sanctioned by the Board, it must be submitted to the District Magistrate and the Commissioner, and copies of the budget estimates for the maintenance of waterworks or drainage works have to be submitted to the Superintending Engineer, Public Health Department. The Commissioner has in certain cases the right to alter the budget, particularly, if he is convinced that due provision has not been made for loan charges and for the maintenance of the working balance. He may also

intervene in matters affecting human safety and health or public tranquillity.

To illustrate the relative importance of the various heads from which a Municipal Board derives its income and the heads on which it spends monies, the budget passed by the Meerut Municipality is reproduced below.

	Actuals for 1943—44	Estimates for 1945—46
Main Sources of Income	Rs.	Rs.
Octroi	5,05,546	7,00,000
House tax	83,378	1,10,000
Tax on animals etc	4,970	5,800
Vehicles tax, Cattle pound, License fee etc	4,233	4,100
Income from land, buildings, markets, slaughter houses, conservancy etc.	1,41,870	1,36,280
Thela License fee	3,997	5,000
Miscellaneous	1,179	1,000
Income from fines etc	60,429	65,516
Contributions from the Govt	38,260	1,08,621 ¹
Other sources	31,068	34,600
Total Income from all sources	8,74,930	11,70,917

¹Includes Dearness allowance for Municipal employees Rs. 50,000/-

	Actuals for 1943—44 Rs.	Estimates for 1945—46 Rs
Main Items of Expenditure:		
Administration	75,075	89,826
Fire Brigade	—	2,732
Lighting of streets	31,655	35,924
Destruction of wild animals	37	1,220
Water Supply	62,306	65,000
Drainage	39,289	61,307
Sanitation, conservancy and watering of streets	89,539	1,33,648
Sanitary Inspectors and Health Officer	6,798	8,416
Hospitals	31,514	34,265
Plague Department	1,107	2,000
Vaccination etc	787	1,043
Slaughter Houses etc	1,952	2,076
Cattle pounds	342	536
Veterinary Hospitals	1,510	2,096
Buildings and P W Dept	29,226	3,03,098
Education	75,401	87,600
Grants-in-aid	1,46,145	2,28,000
Grand Total	5,92,683	10,58,787

Officers of a Municipal Board — When a Board is completed after a general election, it proceeds to elect its Chairman from among its members or outside in a manner prescribed by the Government. If an outsider is elected as the Chairman, he remains an ex-officio member of the Board during his chairmanship. The Chairman may resign himself or as the result of a no-confidence

motion passed by the Board against him, or he may be removed from office by the Government on the ground of habitual non-performance of duties or failure to submit his resignation after a vote of no-confidence. If a Board fails to elect its Chairman, the Government may nominate one for the Board.

The Chairman has the power to appoint, punish or dismiss servants of the Board, and determine questions arising in respect of their service, leave, pay, privileges and allowances. He has to submit to the Commissioner and to the District Magistrate statements, accounts, reports relating to the proceedings of the Board which they might call for. He convenes and presides at the meetings of the Board, and controls in accordance with regulations made in this behalf the transaction of business at the meetings. It is also his duty to keep a watch over the financial affairs, superintend the executive administration of the Board, and bring to its notice any defect therein. He has to furnish the members with information they might require.

The Board shall also elect one or two Vice-Chairmen who shall perform such duties as may be entrusted to them by the Chairman. Every Board having an annual income of Rs 50,000/- or more shall appoint, by a special resolution, an Executive Officer. It shall also employ a Medical Officer of Health. The appointment, salaries, and conditions of service of the Executive Officer and the Medical Officer of Health are subject to the approval of the Provincial Government. A Board having an annual income of less than Rs 50,000/- shall have one or more Secretaries whose appointment shall be subject to the approval of the Commissioner.

A Board may be required by the Government to appoint an engineer, a water-works engineer, a water-works superintendent, an electrical superintendent, a secretary or a qualified sub-overseer. Every such appointment and the salary and conditions of service of the persons appointed are subject to the approval of the Government. For the administration of its various departments, *e g*, the education, the public health, the public works, the octroi, and the water-works departments, a Board has to employ a large permanent staff. The Superintendent of Education, the Octroi Superintendent, the Chief Sanitary Inspector, and Sanitary

Inspectors, are amongst the most important members of the permanent staff.

Committees — For the better discharge of its functions and the exercise of supervision and control over the working of its several departments, a Board may appoint a number of committees. The committees usually found functioning in a Municipal Board are the following: Finance Committee, Education Committee, Public Health Committee, Public Works Committee, Octroi Committee, and Water-works Committee. Each Committee may have as many members as the Board may appoint. In the Meerut Municipal Board they consist of seven or eight members each. They are appointed for one year. Persons other than the members of the Board and possessing expert knowledge may also be appointed to any of its committees by a resolution supported by not less than one half of its total strength, but their number shall not exceed one third of the total number of the members of the Committee. The Board appoints by a resolution the Chairman of each Committee. A Committee may appoint a vice-chairman from among its own members. The committees generally meet once a month. The Board may meet once a month or oftener as business may demand.

The chief duties of the Finance Committee are (i) the preparation of the annual estimates of income and expenditure, (ii) allotment of funds within the sanctioned budget estimates for expenditure under various heads, (iii) examination of the monthly accounts before presentation to the Board, (iv) inspection of the work of collection of taxes other than the octroi duties. It is also charged with the duty of seeing that no expenditure is incurred except under proper sanction and in accordance with the budget estimates.

The chief duties of the Public Works Committee are (i) to frame proposals for the expenditure of funds allotted for public works in consultation with the Superintending Engineer of Public Works, (ii) to examine and check the completion of public works and issue certificates for it, (iii) to examine bills, (iv) to call for tenders for contracts for the execution of public works, (v) to satisfy itself that the lighting and watering arrangements are efficiently carried out, and (vi) to advise the Board generally in

all matters connected with public works.

The Public Health Committee is charged with the duty of (i) seeing that all rules, bye-laws, and regulations relating to conservancy are observed, (ii) supervising the working of the conservancy staff, (iii) inspecting and reporting on the state of wells, latrines, conservancy carts etc., (iv) checking the registration of birth and death statistics, (v) checking the work of the vaccinators, and (vi) advising the Board generally on all matters connected with sanitation, conservancy and public health.

The chief duties of the Octroi Committee are (i) to periodically visit and inspect octroi posts and muharrirs' accounts, (ii) to see that the arrangements to prevent smuggling or evasion of octroi dues are sufficient, (iii) to inspect the work of the head octroi office, and (iv) to assure itself that through trade is not being hampered by duties.

Government Control.—It was pointed out in an earlier section of this chapter that the excessive control exercised by the Government over Municipal Boards and other local bodies was one of the reasons of the slow and even disappointing progress made in the sphere of local self-government. The Resolution of 1918 rightly laid stress on the great 'necessity of freeing local bodies from government control and giving them the right to learn by making mistakes. Steps were accordingly taken to reduce it, and to give them greater freedom to manage their affairs. The strength of the nominated element was appreciably reduced, and official chairmen were replaced by non-official elected chairmen. But this does not mean that the control of Government over local bodies has been wholly removed. This is neither possible nor desirable. As the general trustees of public welfare the Government are entitled to a measure of control over the activities of municipalities and other local bodies. In all countries the Government have more or less effective powers of control, supervision and direction over local self-governing institutions. Let us look at the way in which the Provincial Government exercises control over them in our province.

As we have already shown the appointment of the Executive Officer, the Medical Officer of Health, and other important officials

of a Municipal Board is subject to the approval of the Provincial Government who determine the conditions of their service and prescribe their emoluments. In the case of smaller Boards the appointment of the Secretaries etc., requires the approval of the Commissioner. This gives the Government a good measure of indirect control over the Boards.

In the second place, if at any time, it appears to the Provincial Government that a Board persists in making default in the performance of its duties or abuses its powers, it may, after taking into consideration the explanation of the Board, supersede the Board or dissolve it. During the period of supersession the powers of the Board shall be exercised by such person or persons as may be appointed by the Government in this behalf.

In the third place, the Commissioner or the District Magistrate when he is not a member of the Board, may, within the limits of his Division or District, as the case may be, (a) inspect or cause to be inspected any immovable property used by the Board, or any work in progress under the direction of the Board, (b) by order in writing call for and inspect a book or document in the possession of the Board or any of its Committees, (c) by order in writing require a Board or such Committee to furnish such statements, accounts, reports or copies of documents relating to its proceedings as he thinks fit, and (d) record in writing for the consideration of a Board or such Committee any observation he thinks proper in regard to the proceedings or duties of the Board or the Committee. In the fourth place, the Commissioner or the District Magistrate may, within the limits of his Division or District as the case may be, by order in writing prohibit the execution or further execution of a resolution or order passed by a Board or any of its Committees, if in his opinion such resolution or order is of a nature to cause or tend to cause obstruction, annoyance, or injury to the public or to any body of persons lawfully employed, or a danger to human life, health or safety, or a riot or affray, and may prohibit the doing or continuance by any person of any act, in pursuance or under cover of such resolution or order. Such an order may be rescinded or modified by the Government.

In the fifth place, if it appears to the Provincial Government that a Board persistently defaults in the performance of a duty imposed on it by an order of the Government, it may, by order in writing, fix a period for the performance of the duty; and if it is not performed within the fixed period, it may get it performed and charge the cost to the Board.

In the sixth place, in case of an emergency the District Magistrate may provide for the execution of a work or act which the Board is empowered to do and whose immediate execution is necessary for the safety and protection of the public, and may direct that the expense of executing it shall be borne by the Board. It has already been made clear that though Municipal Boards have a large measure of freedom in preparing their budgets, the Government has the right to alter them in certain specific respects.

Some of these powers exercised by the Government over local bodies may be justifiable, but some of them seem to be the outcome of distrust of Indians. They have no parallel in other countries. In many cases the Commissioner has refused sanction to expenditure in connection with the presentation of addresses of welcome to reputed leaders of the nation, and in other cases, he has taken objection to the appointment of certain persons to places of responsibility and power in local bodies. The control exercised by the Government is still excessive and requires to be further relaxed.

Cantonment Boards — In cities like Meerut and Bareilly where troops are stationed, the cantonment area is outside the municipal limits. For the purpose of looking after the civic needs and requirements of the people in the cantonment area, there is a body called the Cantonment Board. Its constitution and functions are similar to those of a Municipal Board but are not governed by the Municipalities Act. The final control of Cantonment administration rests with the Army Department of the Government of India. The Chairman of a Cantonment Board is usually a Military Official of high rank, e.g., the Brigadier. A good proportion of the members of such Boards consists of nominated persons.

Town Areas.— It is only towns having a population of twenty thousand or more which can be given the status of a municipality. Towns with a population between ten and twenty thousand are considered too small to have a Municipal Board, but big enough to have a local body to administer the local affairs. Such a town is called a Town Area, and the local body is known as a Town Area Committee. It is for the Government to declare by notification any area as a Town Area. The Town Area Committee consists of an elected chairman, between five to seven elected members, one person nominated by the District Magistrate to represent the Scheduled classes, and in some cases another nominated member to represent some other minority interest. The term of office of the members is four years. The functions of a Town Area Committee are similar to those of a Municipal Board though smaller in range. It looks after the sanitation of the area, the lighting and the maintenance of public roads, the supply of drinking water, the maintenance of public health, and the primary education of the residents. It also regulates offensive trades and callings. Its income is largely derived from house-tax, land-tax, tax on property and circumstances, the sale of refuse and dung collected by its servants, rent from nazul lands, contributions made by the District Board and government grants. The control of the District Magistrate over a Town Area Committee is greater than it is in the case of a Municipal Board.

Notified Areas.— An urban area with a population between five and ten thousand may be declared by the Government to be a Notified Area, and the administration of its local affairs may be entrusted to a Notified Area Committee. It consists of a chairman, and a few members partly elected by the residents and partly nominated by the Government. It performs the same sort of functions as a Town Area Committee and derives its income from similar sources.

In order to be declared a Town Area or a Notified Area, an area must not be a purely agricultural village; and it must have a town and a bazar. The difference between a Municipal Board and a Town or Notified Area Committee is one of status. The former has a larger and fuller measure of self-government, can impose

more taxes, and is less subject to the control of the District Magistrate than the latter .

DISTRICT BOARDS

Introductory. — The administration of local affairs in rural areas is the concern of District Boards and other 'local bodies.. What the Municipal Boards are for urban areas, the District and Local Boards are for rural areas. Like the former, they look after the education, sanitation, public health and convenience of the people residing in the villages within their respective jurisdictions. Generally the jurisdiction of a District Board is coterminous with the district which is the unit for administrative purposes. There are some 207* District Boards in British India. In some provinces there are Sub-district or Taluka Boards. In Madras Presidency there are Union Boards also. The system of local self-government in rural areas differs in different provinces. As has been pointed out above, in some provinces there are Sub-district Boards, and in others still smaller boards called Union Boards. In the United Provinces, Bombay Presidency and Assam, the Muslims have been given separate representation through communal electorates, elsewhere representation is secured for them by means of nomination. In most of the provinces the Chairman of the District Board is an elected non-official, in the Punjab the Boards have the option of having an elected Chairman. The organisation of village panchayats also shows large variations. In what follows, the constitution, powers and functions of the District Boards as constituted under the United Provinces District Boards Act of 1922, as amended from time to time, will be described.

Constitution of a District Board.— The Act provides that there shall be a District Board for each district to be known after its name. There are thus 48 District Boards in the province. Each Board is to consist of a certain number of elected members fixed by the Act, a small number of members nominated by the Government, and a Chairman who may or may not be one of the elected or nominated members. No Board can have less than

* One authority holds that there are 269 District Boards

15 and more than 10 elected members. The Government cannot nominate more than three persons to a Board. No Government servant and no person who was defeated in the preceding general election can be nominated by the Government. One of the nominated persons shall be a woman, another a member of the depressed classes, and the third shall be selected from a class which has remained unrepresented on the Board after the general election. No woman can be nominated until the other two nominations have been made, and the nomination of the woman member shall not so alter the proportion of Muslim and non-Muslim members as to convert a majority of one community into an equality with the other community. The District Boards of Meerut, Allahabad, Gorakhpur, Basti, Azamgarh, and Gonda have 10 members each. The Dehra Dun Board is the smallest with a strength of 16 elected members, and the Pilibhit Board is the next smallest with 17 elected members.

The representation of Muslims on a District Board is determined in accordance with the scale given below :—

If they constitute less than 1 % of the population, they get 10% of elected seats. If they constitute between 1 and 5 % of the population, they get 15 % representation. If they constitute between 5 and 15 % of the population, they get 25 % representation. If they form between 15 and 30 % of the population, they get 30 % representation. If they constitute 30 % or more of the population, they get representation in proportion to their population.

In the Meerut District Board the Muslims have 12 and the non-Muslims 28 seats. In the Allahabad District Board the Muslims have 10 and the non-Muslims 30 seats. The same is the distribution in the Gorakhpur and Azamgarh Boards. In no District Board do the Muslims form a majority or even an equality with the Hindus. A Board has a tenure of four years unless it is sooner dissolved or superseded by the Government for persistent default in the discharge of its duties or persistent abuse of its powers. Its life can be extended by the Government, the District Boards constituted in 1934 are still functioning in 1945. A Board holds its meetings generally once a month.

Franchise — If not subject to any disqualification, every

person is entitled to get his or her name entered on the electoral roll who—

(i) in areas outside the hill patts of Kumaun is the owner of land in respect of which land revenue amounting to not less than Rs 25/- is payable, or in the hill patts of Kumaun owns a fee simple estate or is assessed to the payment of land revenue, or

(ii) is a permanent tenure holder or fixed-rate tenant, or is an under-proprietor or occupancy tenant in Oudh and is liable to pay land rent of not less than Rs 15/- per annum, or

(iii) is a tenant holding land in a rural area in respect of which rent amounting to not less than Rs 30/- per annum is payable, or

(iv) is assessed to income tax or to a tax on circumstances and property or any other local tax, and resides within the rural area; or

(v) ordinarily resides in the rural area and has passed the Upper Primary examination, or the Vernacular Middle examination or possesses the Vernacular Final or Vernacular Upper Primary certificate

A person is disqualified to be an elector if he or she is not a British subject, or has been adjudged to be of unsound mind by a competent court, or is an undischarged insolvent, or has been sentenced to a term of imprisonment exceeding six months, or has been asked to furnish security for good behaviour, and five years have not elapsed since the expiry of the term of imprisonment or the order, or has not attained the age of 21 years. The disqualification arising from conviction by a criminal court for a term exceeding six months may be removed by an order of the Provincial Government in this behalf

No person can seek election to a District Board if his name is not on the electoral roll. It should be remembered that because of communal electorates, a Muslim cannot stand from a non-Muslim constituency, and *vice versa*. Furthermore, a person who has been dismissed from government service and is debarred from re-employment therein, or is debarred from practising as a legal practitioner by the order of a competent authority, or holds a place of profit under the service of the Board, or is a

government servant, or holds a share in any contract with or on behalf of the Board, and is unable to read and write either English or one of the vernaculars of the Province, is not eligible to seek election. Women can be elected or nominated as members of a Board.

Officials of the Board — The Chairman and one or more Vice-chairmen are the officials which every Board is required to elect when it is completed after a general election. A Board is said to be completed for the purposes of the election of the chairman and the vice-chairman or vice-chairmen only when all the elected seats have been filled by election and not otherwise. Any member of the Board and any person qualified to be elected as a member of the Board can be elected as the chairman or vice-chairman provided he is sufficiently educated to be able to read and write English or any other vernacular of the province and is not the chairman or member of a Municipal Board or a government servant. An out-going chairman is eligible for re-election. But no person can be elected for more than two consecutive terms without the previous sanction of the Provincial Government. A chairman may resign his office by writing to the Government either on his own accord or as a result of a vote of no-confidence passed against him. He may be removed from office by the Government for habitual failure to perform his duties or failure to submit his resignation after a vote of no-confidence.

The Chairman of a District Board has the following powers and duties (i) the determination of questions arising in respect of the service, leave, pay, privileges and allowances of servants of the Board in accordance with regulations made in this behalf, (ii) the submission to the Commissioner and the District Magistrate of statements, accounts, reports or copies of documents or the copies of resolutions passed by the Board or any of its Committees, (iii) to convene and preside at the meetings of the Board, to convene and preside at the meetings of the Finance Committee, and to transact the business thereof, (iv) to watch over the financial and superintend the executive administration of the Board, and bring to the notice of the Board any defect therein, and (v) perform such other duties as may be required of him under the

Act. It is also one of his duties to furnish the Board with any return, statement, statistics or other information regarding any matter pertaining to the Board's administration of the affairs of the district, which it might ask for. He has the power to vest the vice-chairman with the exercise of some of his powers and functions.

Besides the elected chairman and vice-chairman or vice-chairmen every Board has a large permanent and paid staff. The most important members of the paid staff are the Secretary, the Engineer, the Tax-officer, and the District Medical Officer of Health. The Government has laid down rules regarding their qualifications, salary, punishment and dismissal. The Deputy Inspector or Sub-Deputy Inspector of Schools advises the Education Committee of the Board on matters relating to educational activities of the Board.

Functions of a District Board.—Except in so far as the conditions of life in the rural areas differ from those prevailing in urban areas, the functions performed by a District Board are similar to those discharged by a Municipal Board. They may also be divided into compulsory and discretionary. Every Board is required by the Act to make reasonable provision for the following matters : (i) the construction, repair, and maintenance of public roads and bridges, and the improvement of communications generally, (ii) the planting and preservation of trees on the sides of public roads and on other public grounds, (iii) the establishment, management, maintenance and visiting of hospitals, dispensaries, poor-houses, asylums, orphanages, veterinary hospitals, markets, staging houses, inspection houses, public parks and gardens, and other public institutions, and the construction and repair of all buildings connected with these institutions, (iv) the construction and repair of school houses, appurtenant buildings, the establishment, management, and maintenance of school and libraries either wholly or by means of grants-in-aid, the inspection of schools, the training of teachers and the establishment of scholarships, (v) the construction of public wells, tanks, water-works, canals, embankments and drainage works, and the supply of water from them and from other sources, (vi) securing or

removing dangerous buildings or places, (vii) the construction, repair and maintenance of famine preventive works, the establishment and maintenance of relief works and relief houses and the adoption of such other measures of relief in times of famine and scarcity as may be considered necessary, (viii) the establishment and management of cattle pounds, (ix) the management of public ferries, (x) the regulation of camping grounds, *sarais and paraos*, (xi) the institution and holding of fairs, agricultural shows, industrial exhibitions, the breeding and medical treatment of cattle, horses and other animals, and all measures tending to the improvement and assistance of agriculture and industries, (xii) the management of public or private charities, (xiii) public vaccination, sanitation, and prevention of diseases, (xiv) providing a sufficient supply of pure and drinking water, (xv) maintaining and developing the property of the Board, (xvi) preparing such returns and reports as the Provincial Government requires the Board to submit, (xvii) regulating offensive, dangerous or obnoxious trades and callings, (xviii) the dissemination of knowledge regarding disease, hygiene, sanitation, agriculture, industries and cattle breeding

The following are the discretionary functions for which a Board may make provision (i) laying out of new public roads and acquiring land for the purpose, (ii) registering births and deaths, (iii) reclaiming unhealthy localities, (iv) furthering educational objects by measures other than the establishment and maintenance of schools, e g, travelling and village libraries, reading rooms, mass adult education, (v) taking a census, (vi) constructing or subsidising tramways, railways, aerial ropeways and other means of locomotion, (vii) construction and maintenance of minor irrigation works, and (viii) preventing injury or contamination or pollution of rivers and other sources of water supply

It is regrettable to note that the District Boards in the United Provinces do not generally perform any of the important discretionary functions. Something in the way of mass education by establishing libraries was attempted by the Meerut District Board during 1931—35, but it was not continued by the succeeding Board

Finances — To meet the expenses involved in the performance

of its obligatory and optional functions a District Board receives a substantial grand-in-aid from the Provincial Government and is empowered to levy local rates and a tax on persons according to their circumstances and, property. But for the imposition or abolition of a local rate or an alteration in it and in the tax on circumstances and property previous sanction of the Government is necessary. A tax on property and circumstances cannot be imposed on a person unless he has resided or carried on business in the district for at least six months in the year under assessment, and unless his income is Rs. 200/- or more per annum. The rate of tax is not to exceed four pies in a rupee on the total taxable income. The local rate or cess is paid by the cultivator or owner of land directly into the government treasury and the Government sends it back to the District Board concerned. A District Board also derives income from tolls on vehicles, ferries and bridges, markets, shops, cattle pounds, property of the Board like the crops of fruits yielded by trees on road-sides etc, educational fees, fairs, etc. The following table giving the income from different sources derived by the Meerut District Board for two different years will be found interesting :

Main Sources of Income	Actuals for	Revised estimates for
	1940—41 Rs.	1944—45 Rs
Government Grants	2,19,799	2,18,043
Local Rates	2,99,852	3,07,000
Taxes	62,581	1,30,000
Pounds	10,299	18,000
Ferries	21,002	22,000
Education	38,965	35,324
Medical	13,927	11,072
Veterinary	2,870	3,150
Fairs	55,992	96,000
Receipts from property	711	950
Arboriculture	8,222	24,000
Interest	2,066	2,025
Miscellaneous	13,255	9,070
Grand Total	7,49,541	13,57,139 including arrears.

During the same years the Meerut District Board spent money under different heads as under

Main Items of Expenditure	1940—41	1944—45
	Rs	Rs.
General Administration	41,054	66,820
Pounds	8,883	12,500
Education	3,85,659	4,70,397
Medical	66,255	95,755
Public Health	20,541	30,738
Veterinary	13,454	22,940
Fans	49,880	85,000
Arboriculture	4,502	7,400
Public Works	1,32,759	2,96,218
Superannuation	4,178	5,710
Refunds	715	6,200
Miscellaneous	15,454	10,100
Extraordinary and Debt	10	1,035
	<hr/>	<hr/>
Grand Total	7,46,344	11,10,955

It would thus appear that while government grants and local rates are the main sources of income, education, public works, medical help, and general administration consume a great part of the total income. What was said about the limited scope of municipal activities applies to the functions of the District Boards also. District Boards in India do not perform many of the functions which similar institutions undertake in foreign lands. Police functions are a case in point. They have not also done anything appreciable towards the agricultural and industrial development of the areas within their jurisdiction.

Right of certain Officers to attend the meetings of a Board —
As has been stated in a preceding section no government servant can become a member of a District Board. There are, however, certain district officials who may be authorised by the Provincial Government to attend any meeting of their respective Boards and address it, e.g., the District Magistrate, the District Medical Officer of Health, and the Superintendent and Deputy Superintendent of the Civil Veterinary Department. The Government

may also authorise (i) the Inspector General of Civil Hospitals and the Civil Surgeon of the district to inspect the administration of hospitals and dispensaries maintained by the Board in the district, (ii) the Director and Assistant Director of Public Health to inspect the working of the Public Health Department, (iii) the Chief Engineer, the Superintending Engineer, the Executive Engineer and the District Engineer to inspect the administration of the Public Works Department, and (iv) the Director and Deputy Director of Public Instruction, the Inspector and Asst. Inspector of Schools to inspect the working of the Education Department of a District Board. Similarly certain officers of the revenue, medical, public health, public works, education and veterinary departments can inspect any work or institution maintained by a Board.

Committees of the Board — A District Board finds it as necessary as a Municipal Committee to appoint a number of Committees to help it in administering its various departments. Of these the most important are the Finance and the Education Committees. Some Boards also have a separate Committee for Public Health. Besides these, there is a Tahsil Committee for every Tahsil in the district. In the Meerut District Board there are in all 9 Committees, six of which are the Tahsil Committees for each of the six Tahsils, one Finance Committee, one Education Committee, and one Public Health Committee.

The Finance Committee consists of the Chairman of the Board as its ex-officio Chairman, and six other members of the Board appointed by it by a special resolution. The Secretary of the Board is the ex-officio secretary of the Finance Committee. The Finance Committee thus consists of 8 members in all. Its chief function is the preparation of (i) the budget estimates for the next year, and (ii) a complete account of the actual and estimated receipts and expenditure for the current year. The estimates for the year to come are discussed and considered by the Board. If the Board modifies the budget or rejects it, the modified or rejected budget is again considered by the Finance Committee. If the latter accepts the modifications made by the Board, the budget is deemed to have been passed. If the Committee does not accept the modifications made by the Board, and also if the Board

has rejected the budget totally it prepares a new budget and submits it for the Board's consideration. If there are still any differences between the Board and the Finance Committee, the original budget as prepared by the latter, the modifications introduced by the former, and the new budget submitted by the Finance Committee, are submitted to the Provincial Government which may accept any one of them. The budget as accepted by the Provincial Government will be deemed to have been passed by the Board.

After a budget has been passed by the Board, it may, with the consent of the Finance Committee, vary or alter it as necessitated by the circumstances. This shows that the Board and the Finance Committee have equal and co-ordinate powers in finance. Neither authority can over-ride the other.

The Education Committee consists of 12 members, eight of whom are to be elected from amongst the members of the Board, and the remaining four from outside. Two of the four persons who are not members of the Board may be government servants employed in the Education Department provided they are not on the inspecting staff. The Committee shall choose its own chairman from among its members provided he is not a salaried officer of the Government.

The Deputy Inspector of Schools is its secretary. The Inspector or the Inspectoress of Schools of the circle or any other officer of the Education Department authorised in this behalf may attend a meeting of the Education Committee and address it on any matter affecting education. If the Education Committee default in the performance of its duties, the Board may dissolve it by a special resolution approved by the Government. The management and administration of all the schools maintained by the Board in the district, the appointment, transfer and dismissal of teachers are entrusted to the Education Committee.

Tahsil Committees — To assist it in the administration of the affairs of a Tahsil, the Board appoints a Tahsil Committee consisting of all the members elected by the general electorate in the Tahsil, the Muslim member or members, if any, elected from the Muslim constituency in it, and any other person appointed by

the Board. It shall exercise such powers and perform such duties as may be delegated to it by the Board. The Board also allots to each Tahsil Committee such funds as may be necessary for the discharge of the duties assigned to it.

Government Control — The control of the Provincial Government over the District Boards is of the same nature and is exercised in the same way as over Municipal Boards. It has been described already.*

VILLAGE PANCHAYATS

Introductory — The district, which sometimes covers an area of about six thousand square miles and whose average size is about 4075 sq. miles, is too big a unit for an efficient and effective administration of local affairs. It is impossible for a body of 15 to 40 persons properly to administer the needs of about a thousand villages comprised within a district. To obviate this difficulty the British Government thought of instituting *panchayats* in big villages or groups of villages and entrusting to them the administration of village affairs. 'The village panchayat or union board is an attempt to recreate the village as a unit of self-government. It has jurisdiction over a village or a group of villages. Its primary function is to look after such matters as wells and sanitation. It is sometimes entrusted with the care of minor roads and management of schools and dispensaries, and in Madras of village forests and irrigation works. In some provinces it has also been given power to deal with petty criminal and civil cases'†. The movement has not made rapid progress. It is well-advanced in the United Provinces, Madras and Bengal, in the other provinces its growth has been much slower. It is not obligatory to establish the panchayat in every village. It is introduced only if the residents of a village show their desire to have one. The reader may be reminded that the establishment of a *panchayat ghar* was an integral part of the new rural development scheme inaugurated in the United Provinces by the Congress Government.

The panchayats which it was the aim of the Village Panchayat

* See above pages 204–05

† Joshi *Indian Administration*, page 243

Act of the United Provinces of 1920, the Village Administration Act of Bihar, the Village Panchayat Act of the Punjab, and similar legislation in other provinces to establish, must be distinguished from the old village panchayats which existed and continued to function, silently and unknown to British law and without statutory authority, till a late date even under the British regime. The sanction behind them was the force of public opinion. They gave decisions on matters of communal concern (communal in the sense of being a concern of the village community as a whole, and not in the sense of pertaining to a small and exclusive religious group), and adjudicated civil disputes. In old times before the autonomy of the villages was undermined by the new administrative system established by the British rulers, the settlement of disputes, prevention of crime, education, superintendence of wells, tanks, and other sources of water supply, temples, and the improvement of the means of general well-being were their concern. The modern panchayats do not attempt all such functions. They are established by law and their functions are defined by law. We shall here describe the composition and working of the Panchayats in the United Provinces as governed by the Act of 1920.

The Act empowered the Collector of a district to establish a panchayat within and for any village or a group of adjacent villages. He appointed the members of the panchayat who were to be not less than five and not more than seven in number. The villagers thus had no hand in their appointment. When Congress was in office, the system of appointing the members of the panchayat was abandoned, all the adults in the village were given the right to elect them. To-day they are popularly elected. The members called *panches* must be residents of the circle for which the panchayat is established. One of them—he must be literate—is appointed as the *sar-panch*. He presides over the meetings of the panchayat, keeps a record of its proceedings and activities, maintains an account of its income and expenditure, and acts as a channel of communication between the panchayat and the District Collector.

With a view to checking the growth of litigation among the village folk a village panchayat is given powers to try and decide

civil and criminal cases of a minor nature. It can handle and decide civil cases in which the amount involved does not exceed Rs. 25/-, and criminal offences of voluntarily causing hurt, minor assaults, thefts of property whose value does not exceed ten rupees, or the use of criminal force. It can also deal with breaches of Sanitation Act and the Cattle Trespass Act. It can impose a fine not exceeding rupees ten or double the amount of loss caused. Certain panchayats are specially empowered to exercise greater powers. Generally there is no appeal from the orders or decrees passed by a panchayat. Legal practitioners are not allowed to appear before it on behalf of any party. If a party feels that the panchayat has done deliberate injustice to it, or was hostile towards it, it can represent its case before the District Magistrate who may get the matter investigated and give his final decision. The panchayat usually charges a nominal fee from the litigants. Income from these fees, fines imposed by it and grants from the Government constitute the chief sources of its income.

Besides the power to handle civil and criminal cases of the nature described above, a panchayat is also entrusted with the duty of looking after the wells in the village, the repair of its roads, village sanitation and public health, and other objects of general welfare. But it does not seem to have been given any power to promote elementary education of the people within its jurisdiction. It is also expected to assist government servants in the discharge of their duties when called upon to do so.

If the village panchayats are to make progress and become successful, their powers must be enlarged. But as long as the civic sense does not develop among the masses and they remain illiterate and apathetic, village panchayats cannot become a success. The dominance of landlords, the influence of caste prejudices and communal feelings are also contributory causes of their failure in some cases. It is not only the village panchayats which have not shown progress, the whole scheme of local self-government in our country has also been comparatively a failure. It will not be irrelevant to discuss the causes of its failure.

Causes of the failure of the experiment in Local Self-Government — When one speaks of the failure of local self-governing institutions in our country, it must not be assumed that the person condemns the experiment as a *complete and total* failure. That would be contrary to facts. From the time the department of Local Self-Government was made a transferred subject under the control of a minister according to the provisions of the Reforms of 1919, there has been appreciable improvement in the working of municipalities and district boards. Elections were vigorously contested, and they roused keen popular interest, specially when the Congress party took part in them. The presence of sincere, tried and self-less Congressmen in the various local bodies had a very salutary effect upon their administration, and notable achievements were made. The citizens of Allahabad cannot forget the services rendered to them by Pundit Jawahar Lal Nehru as the Chairman of the Allahabad Municipal Board, and those of Ahmedabad would also remember the work done by Sardar Vallabhai Patel in a similar capacity. But with the withdrawal of Congressmen, the administration fell into the old rut, and comparative inefficiency once again made its appearance. Therefore when reference is made to the failure of local self-government, it should always be understood to mean *comparative* failure. Local bodies in our country have not reached the standard set in most Western lands, they lag far behind.

Before trying to find out the causes of this comparative failure, it seems necessary to determine its direction and extent. In the opinion of the writer local bodies in India may be said to have failed because they have not been able to reach a high standard of efficiency or show great zest in the performance of their obligatory functions. The very small progress achieved in the direction of free and compulsory primary education, the insanitary conditions in our cities and villages, the very inadequate arrangements made for the supply of medical relief, particularly in rural areas, the pitiable condition of kuchha roads in the villages, and the corruption that prevails in local bodies illustrate their failure. With the exception of a small number of municipalities in large cities, the Municipal and District Boards may be charged with an almost total neglect of discretionary functions.

For example, they have taken no steps to improve the means of transport and communication. The District Boards are particularly negligent in this matter. Motor lorry service run by them would not only bring additional income, it would also be a boon to the travelling public. Minor irrigation works have also been neglected. There is ample scope for the development of cottage industries, but no steps have been taken in this direction. One reason for this failure is the attitude of the Government which is one of discouraging indifference, if not of positive hostility, but it would be being too partial to ourselves if we throw the whole blame on the Government. One of the most important causes of the low standard attained by the local bodies is to be found in the lack of civic sense among the people in general, and in their elected representatives in particular. We in India have not yet learnt the lesson of putting the welfare of the locality above personal interests. At election time the voters are influenced more by personal, family, caste and other considerations, than by the civic duty of returning the best candidates. This is more particularly true of rural population than of city-dwellers. In the villages it is very difficult to defeat an 'influential' candidate in an election to the District Board. Even in cities, some constituencies may be the pocket constituencies of members of a certain family. Persons returned on personal grounds are least expected to promote general well-being, they are more likely to use their position to line their pockets and benefit their friends and relations. It is hardly necessary to labour the point further or to illustrate it.

The introduction of separate communal electorates is also in part responsible for the sad state of affairs. Matters which should be decided on general grounds are sometimes given a communal colouring, e.g., appointment to certain posts. If persons are appointed not on the ground of their fitness for the posts but because of their religious faith, corruption and inefficiency are bound to follow. The administration of local bodies cannot improve until local services are put on a better footing. In this connection it may also be added that certain minimum qualifications should be laid down for all aspirants for membership of local bodies. They should be at least matriculates, if not

graduates, and must have some public service to their credit. It is very necessary that the right type of persons go there. Not a little of inefficiency is due to the fact that wrong persons manage to find a place on them.

Narrow and restricted franchise is also a contributory factor. In the rural areas it makes it very easy for 'influential' persons to defeat their better qualified opponents having less personal support in the elections. The only remedy for it is universal adult suffrage. The limited and small financial resources are also partly responsible for the phenomenon. If we expect the local bodies to provide us with greater facilities and amenities of civilised life, they should be provided with adequate funds.

Conditions in Municipal Boards seem to be slightly better than in District Boards. The difference is due to the prevalence of greater political consciousness and education in cities than in villages. The large size of the district is also a contributory factor. In the end it may also be pointed out that the whole scheme as it is in operation to-day is of foreign import and not an indigenous growth. Indians were accustomed in the past to a different system of local self-government. If the present system is to be made a success, it should be remodelled on lines more in harmony with our national genius and past traditions.

Chapter XVII

THE INDIAN STATES

Introductory — Though India is one of the neatest geographical units in the world, she is not politically one and indivisible at present. For political purposes she may be divided into *four* unequal parts, British India, Portuguese India, French India and what for want of a better name may be called Indian India. Of these, French India is the smallest having an area of 203 sq. miles, and Portuguese India has an area of 3,893 sq. kilometers which is equal to nearly 1,630 sq. miles. British India is the largest part with an area of roughly about 8,20,000 sq. miles and a population of nearly 27 millions. What is known as Indian India does not

constitute one single political unit under one central government as British India was till the introduction of Provincial Autonomy, and still is for several important purposes. It consists of a congeries of widely dispersed and scattered political units each with its own independent and separate administration, and with no connection with the administration of any other unit. These various units are called Indian States. Each is under its own ruler or potentate who cannot combine or have any direct diplomatic relations with the ruler of any other State. Each ruler is more or less autonomous, but all are alike subject to the control of the Paramount Power, the British Government.

The Indian States, which between themselves cover an area of 5,98,138 sq miles and have a population of 8,13,10,845 persons, constitute about two-fifths of the whole of India. They lie scattered over the whole length and breadth of the country with Kashmere in the extreme north, Manipur in the extreme east, Travancore at the southern tip of the Peninsula, and the Kathiawar States in the west. In most cases their territories are surrounded on all sides by British territory, and it is impossible to travel from Bombay to Calcutta or from Bombay to Madras, or from Madras to Delhi without traversing hundreds of miles of territories which belong to the States and are not British. This physical inter-linking of British India and Indian States has many important consequences. It makes India one economic, social and cultural whole. The people of the States are subject to the same economic and social and religious influences as operate in British India. It is only politically that Indian India is cut off from British India. The territories of Indian States are not British territory and their subjects are not British subjects. Even this political separation will disappear, if and when the scheme of All India Federation matures. In this connection one thing must be noted. Though the States and the Provinces of British India do not at present form parts of one and the same political unit, the solution of the constitutional problem of British India cannot be separated from the problem of Indian States. Not only the realisation of the Federal idea is made dependent on the willingness of a number of Indian States to join it, but the grant of further responsibility at the Centre (than

is provided for in the Act of 1935) is also made contingent upon the goodwill of the States. That British Imperialism will make every possible use of the autocracy entrenched in the States for the defence and protection of its vested interests was made abundantly clear in the part of the Cripps proposals relating to the formation of the Constituent Assembly which was to decide the future constitution of India and negotiate a treaty with the British Government for the settlement of disputed questions. The independence of India must always remain insecure and incomplete so long as the despotic rulers of the Indian States remain subject to a foreign suzerain power.

There is a difference among authorities about the number of Indian States. The official list puts the total at 560. Sir W. Lee Warner in his *Native States of India* speaks of 693 States. The Memoranda on Indian States published by the Government puts the figure at 601. Mr. Panikkar in his pamphlet on Indian States and Mr. Sastri in his *'Indian States'* put it at 562 on the strength of the report of the Butler Committee. Whether their exact number is 562, or 601, or 693 is not a matter of great importance. What is of real and great significance is the fact that they show great variations in size, population, income, and the extent of the rights and authority they respectively enjoy. On the one extreme there are big States like Kashmir, Hyderabad, and Mysore with extensive areas, big populations and huge incomes, and on the other extreme there are States like the tiny State of Bilhar with a population of 27 souls, an area of less than two square miles, and an annual income of eighty rupees. As the Butler Report says the term 'Indian States' covers 'at one end of the scale, Hyderabad with an area of 82,700 square miles, with a population of 12,500,000 and a revenue of $6\frac{1}{2}$ crores of rupees or about £5,000,000 and at the other end of the scale, minute holdings in Kathiawar amounting in extent to a few acres only, and even, in certain cases, holdings which yield a revenue not greater than that of the annual income of an ordinary artisan'. It is highly interesting to note that out of a total of 562 States there are twenty big States which between themselves cover an area of 3,96,291 square miles and a population of 5,55,09,675, i.e., more than 65 % of the total area and 70 % of the total population of all

the States As many as 319 Talukas and Jagirs which are included in the total of 562 States have an area of only 4,567 square miles and a population of less than 14 lakhs Twenty-three States have together a revenue of over 35 crores out of a total revenue of about 45 crores which means that as many as 539 States have between themselves a total income of about 10 crores only These facts are bound to assume a vital importance whenever the problem presented by the very large number of Indian States comes up for solution

Classification of States — The States differ one from the other in several respects to such an extent that it is impossible to give an account which shall apply equally to all of them Their bewildering variety makes any scientific classification of them also difficult Several methods of classifying them have been proposed none of which is wholly satisfactory An older classification divided them into 'Treaty-States' and 'Sanad Principalities' The present official classification divides them into three groups The first group includes 135 States the rulers whereof are members of the Chamber of Princes in their own right They have an area of 5,72,997 sq miles and a population of 7,51,09,344 The second group includes 108 States whose chiefs are represented by election in the Chamber of Princes They cover an area of 20,574 sq miles, and have a population of 25,19,989 In the third group are included 319 Talukas and Jagirs etc, which have no representation in the Chamber of Princes They cover an area of only 4,567 sq. miles, and have a population of 13,67,521'. The Butler Committee assigned 109 States to the first, 126 to the second, and 327 to the third group This classification has little practical importance It would be better to classify them into the following three classes (1) Those which have direct relationship with the Governor General through resident political officers called Residents, e g, Kashmir, Hyderabad, Mysore, (2) Those which are grouped into Agencies and deal with the Governor General through an official known as the Agent to the Governor General, e g., the Rajputna States Agency, the Central India

* These figures are taken from Mr Panikkar's pamphlet on *Indian States*, in *The Oxford Pamphlets on Indian affairs*, published by the Oxford University Press.

States Agency, and the Kathnawai States Agency (iii) Those which are under Provincial Governments and in regard to which the Collector or the Commissioner performs the functions of a political agent Professor G. N. Singh suggests that they may be classified into those which are big enough to stand as financially self-sufficing units and are capable of having an efficient system of administration according to modern standards, and those smaller states which cannot efficiently function as single administrative units, but require to be grouped into larger units to become financially self-sufficient and attain a high standard of administrative efficiency

The Sovereignty of Indian States — Several important and interesting questions arise concerning Indian States. One of them concerns their relation to the Paramount Power and the extent to which they exercise sovereign powers in relation to their subjects. The second relates to their internal administration. The third is about their role in the future political life of the country. The fourth concerns their own future. There are other questions also. In what follows we shall discuss some of them in some detail.

The Indian Princes claim to be the sovereign rulers of their respective territories and demand that they should be recognised and treated as such by the people and by the Government of British India. In view of the subordinate position which they occupy in relation to the Paramount Power this claim is an astounding one. Judged in the light of the definitions of sovereignty given by eminent writers on Political Science like Austin, Jellinek and Willoughby, the rulers of Indian States are anything but sovereign. Sovereignty is the right of being able to pledge and be pledged by its own will. A sovereign ruler cannot be bound by any will other than his own, he has the legal power to determine his own legal rights and duties, there is no superior human power whose orders are binding upon him. The rulers of Indian States do not possess this attribute. They recognise a superior in the Paramount Power whose orders and instructions they are bound to carry out at the cost of losing their thrones. The extent to which the Paramount Power can interfere in the administration of Indian States will be described at a later stage.

in this chapter. Here it is sufficient to point out that the Indian Princes have absolutely no control over their foreign relations or policy. They cannot enter into relationship with any foreign power or have direct dealings even with one another. In the sphere of internal administration they are largely autonomous, but are subject to the interference of the Foreign and Political Department of the Government of India which, in the language of Mr Panikkar, is 'comprehensive and pervading', and 'reduces to a shadow the authority of the ruler'.

There is another test of sovereignty which the Indian States and their rulers fail to satisfy. A sovereign state does not depend upon any external power for its continued existence. Many Indian States are the creation of British rule, and all of them are upheld by its power. It is a fundamental feature of British policy that there should be no State left in India which is not sustained by its might and whose political conduct is not under its absolute control. The British Government guarantee the internal independence of the Indian States and undertake to protect them against external aggression and internal rebellion. How a State whose protection against foreign attack is secured by an outside agency can be regarded as *sovereign*, is difficult to understand.

It may also be added that a truly sovereign state is always recognised as such by other sovereign states in the world. The Indian States have no such international recognition and status. They have no power to defend and protect their subjects when the latter go out to foreign lands. Their interests there are looked after and protected by the British Government.

We may therefore conclude that the claim to be treated as sovereign rulers made by the Indian Princes has no basis in fact or theory, even though, to tickle their vanity, the Government of India may sometimes use the words 'internal sovereignty' in connection with them. Even the most exalted of them cannot rightly designate himself as a sovereign ruler.

Relations with the Paramount Power — The relationship between the Indian States and the British Government has not always remained the same. It has varied with time and circum-

stances When the East India Company began its career in India under the patronage of the Mogul Emperors, it concluded treaties with Indian States on a footing of equality. But with the growth of its political power and ascendancy their character changed, and changed rapidly. The relationship changed from that of equality to that of alliance 'from that of alliance to that of suzerainty, and then to that of union and co-operation, and ultimately to that of Paramountcy'. It is not necessary to illustrate here the varying phases of this quickly changing relationship by referring to the treaties concluded with different States at different periods, our concern is more with an elucidation of the present relationship which can be summed up in the single word 'Paramountcy'.

Paramountcy is a term very hard to define. Even the Butler Committee found it difficult precisely to define its scope and implications, and could say nothing more than that Paramountcy must remain paramount, which means that it must be free to adapt its behaviour and attitude according to the shifting necessities of the time and the progressive development of States. There is nothing strange or surprising about the phenomenon, because the conception of paramountcy does not rest upon any contractual relationship, but is a 'living, growing relationship, shaped by circumstances and policy', and is a 'mixture of history, theory and modern fact'. Although it was as early as 1823 that Sir John Malcolm stated clearly that the Crown was the Paramount Power in relation to the States, the position was not free from doubt so long as the Mogul Emperor remained the nominal suzerain power in the country and the Governors General of India continued to pay homage to him. With the deposition of the Mogul Emperor after the unsuccessful war of independence of 1857 and the assumption of the suzerainty by the Crown, the whole position underwent a significant change. The British became the undisputed supreme power in India, and there was none left to challenge their claim to paramountcy. Lord Canning gave expression to the altered position in the following words: 'The last vestiges of the Royal house of Delhi from which, for our own convenience, we had long been content to accept a vicarious

* Joshi *The New Constitution of India*, page 39

authority, have been swept away. The last pretender to the representation of the Peshwa has disappeared. The Crown of England stands forward the unquestioned ruler and paramount power in all India and is for the first time brought face to face with its feudatories. There is a reality in the suzerainty of the sovereign of England which has never existed before and which is not only felt but eagerly acknowledged by the chiefs. In this passage Lord Canning clearly and explicitly claims for the British Crown the position of suzerainty and assigns to the Indian Princes the status of feudatory chiefs. How to reconcile the acceptance of a subordinate position as a feudatory with the claim to sovereign authority is an intellectual feat which only an Indian Prince and his sympathisers can perform.

Mr Panikkar describes Paramountcy as 'the complex of Crown rights, both general and particular, which limit the sovereignty of the States'. We may distinguish between two aspects of paramountcy, one basic and the other particular. In its basic or general aspect it applies to all the States, from the largest to the smallest, and covers the right of the Paramount Power to regulate and control the foreign relations and policies of the States and intervene in their internal administration in the interests of the States themselves, the interests of India as a whole, and lastly, in the interests of the Empire. A few words of explanation are necessary under each head.

(1) *Foreign Relations* — The Indian States have lost all control over their foreign relations, they are forbidden to have any diplomatic relations or official contact with any foreign power. Nay, they cannot have diplomatic dealings with one another even. In all foreign matters it is the British Government which acts for them. They cannot declare war upon or make peace with any foreign power. When any dispute arises between any two of them, the matter must be referred to the Paramount power for settlement. When the subject of a State goes out to a foreign country, the passport is issued to him by the British Government which assumes responsibility for his protection abroad as if he were a British subject. As one writer has wittily remarked, for external purposes the whole map of India is red. It may also be

added that the ruler of an Indian State cannot accept any title or decoration granted by a foreign power

(ii) *Internal Administration* — In theory the Indian States are free to manage their internal affairs as they please. They can make laws, impose taxes and spend them without any interference on the part of the Paramount Power. The treaties which were concluded between them and the East India Company were clear in this respect, the Company disclaimed interference in internal affairs. It is on the basis of such treaties that the Indian Princes claim to be treated as sovereign rulers. The claims and the practice of the Government of British India, however, make serious inroads into this realm of internal sovereignty, and the Princes have no alternative but to accept them. In the exercise of their ultimate responsibility for the preservation of the peace and order of the whole country, the Paramount Power can interfere in the internal administration of any State. In his minute of 1860 Lord Canning declared as follows: 'The Government of India is not precluded from stepping in to set right such serious abuses in a native government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a Native State when there will be sufficient reason to do so. Of this necessity the Governor General is the sole judge subject to the control of Parliament. Neither will the assurance diminish our right to visit a State with the highest penalties, even confiscation, in the event of disloyalty or flagrant breach of engagement.' In his letter to the Nizam dated the 27th of March, 1926, Lord Reading was even more emphatic. He wrote as under: 'The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequences necessarily involved in the supremacy of the British Crown. The British Government have shown again and again that they have no desire to exercise this right without grave reason. But the internal, no less than the external, security which the Ruling Princes enjoy, is due ultimately to the protecting power of the British Government, and where imperial interests are concerned, or the general welfare of the people of a state is seriously and grievously affected by the action of its government, it is with the Paramount Power that the ultimate responsibility of taking remedial action, if necessary, must lie. The varying

degrees of interterritoriality which the rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility'

It will be conducive to clearness if we mention the cases in which the Paramount Power has got the right to intervene in the internal administration of a State. They can be grouped under three different heads. Intervention may be required in the interests of (i) the State itself, (ii) India as a whole, and (iii) the British Empire. The right to recognise and decide succession to the State gaddi where it is disputed, to sanction adoption, to decide disputes between States, to prevent dismemberment of a State, to suppress rebellion against a lawful ruling Prince, to prevent gross misrule, to check inhuman practices or offences against natural law or public morality, and the right to secure religious toleration come under class (i) above. The right to intervene to secure jurisdiction over British subjects, to protect the coinage of British India, to maintain a uniform gauge in railways, and the right to assistance in the proper working of the judicial system of British India come under class (ii). The right to acquire land for the construction of railways, aerodromes, and the establishment of cantonments, the power to ask the States to accept and acquiesce in the Government monopoly of telegraph service, and the manufacture and sale of arms may be said to illustrate the third class.

In the past the Paramount Power found it necessary to intervene in the internal administration of several States. Sometimes it went to the extent of deposing the ruler and installing his heir in his place. The forcible abdication of the Maharaja of Nabha and his internment in 1928, the order given to the ruler of Alwar to leave his State within twenty-four hours, and the action taken against the Maharaja of Indore are fairly recent illustrations. It may be noted that the British Government have been quick to intervene and take action against States in cases where their authority was directly challenged or imperial interests were involved, but have been very slow and even reluctant to take action to save the State-subjects from gross misrule on the part of rulers who have been docile and obedient to the Political Department. If we also take notice of the way in which the Residents or Political Agents influence the internal administration of the States, there is no exaggeration in saying

that the interference of the Paramount Power in the internal affairs of the States is 'comprehensive and pervading'

In the foregoing account of Paramountcy we have taken into consideration its *general* or *basic* aspect only which applies in the same measure to all the States. Besides it there is a *particular* aspect of it also whose application varies from State to State in accordance with the terms of the treaty or the sanad as the case may be. For example, in the treaty concluded between the Ruler of Udaipur and the Paramount Power, the latter's right to intervene in the quarrels between the Ruler and the nobles of the State was admitted, the *sanad* issued to the Maharaja of Patiala bound him and his successors to suppress infanticide, suttee, and slave-driving within the State territories. A large number of States possess the power of inflicting death sentence for certain offences, but its exercise is subject to confirmation by the Paramount Power in respect of certain smaller States. Some States are required to pay tribute to the Paramount Power, while in the case of some others its sanction is needed for the appointment of the Diwan or Chief Minister. States which maintain regular armies are required to follow all regulations issued by the Government of British India regarding their equipment, discipline, etc. There are also some States where legislation requires the formal approval of the Paramount Power and whose judicial powers are restricted. Their administration is subject to stricter supervision and control. Such applications of Paramountcy in its particular aspect eat away substantially from the autonomy of the States which is euphemistically but wrongly called 'internal sovereignty'.

The Ruling Princes acquiesce in all the limitations upon their power and authority implied in the exercise of paramountcy by the British Government for two reasons. In the first place, they very well realise that for the enjoyment of the despotic and autocratic powers they have over their subjects, they ultimately depend upon the strong arm of the Paramount Power. There is no gainsaying the fact that medieval autocracy prevails in the Indian States simply because the Paramount Power has not only made no protests against it but has actively supported it for its own ends. The Princes know that so long as they are prepared to submit to

occasional surveillance on the part of the British Government, they need not fear any sort of reprisals from their oppressed subjects which can be readily put down with British help. Rulers who are active, efficient, and who, like the enlightened Chief of Aundh, consider themselves as the first servants and bearers of the conscience of their respective peoples, are in a position to show greater spirit of independence. The Paramount Power does not interfere with their administration unless required by imperial or political considerations. The fact that the Indian Princes have shown little desire or aptitude for combined work is the second reason for the phenomenon.

Other European imperial powers also have their protectorates and dependencies. The French control the activities of the Bey of Tunis, the King of Annam, and the King of Cambodia, the Dutch Government is supreme over the Sultans in the Dutch East Indies islands. But nowhere else is there anything like the theory of Paramountcy as developed by the Government of British India in their dealings with Indian States.

There is one very important question which has recently arisen in connection with Paramountcy, namely, whether the Crown or the Government of British India is the Paramount Power. So long as the Government of India was wholly subject to the control of the King-in-Parliament, and there was no transfer of political power to the people of the country, the problem did not arise. The Government of India dealt with the States on behalf of the Crown. But with the proposal to make the Government of India partially responsible to the Federal Legislature, the question whether or not the rights and privileges of Paramountcy were to be exercised by the Government of India assumed a special importance. Indian politicians contended that, being the heir and successor to the present Government, the future Government of India must have the same powers to deal with the States as enjoyed by the present Government. The Indian Princes, who are naturally apprehensive that a democratic Indian Government would not tolerate the continuation of medieval despotism, urge that the functions of the Crown in relation to the States should be discharged by the Crown and not by the Government of India. To meet their wishes the obliging British Government provided in the Government of India Act

that Paramountcy shall remain outside the Federation and that the functions of the Crown in regard to the States shall be performed by the Representative of His Majesty who may be the same person as the Governor General. The future Federal Government is thus debarred from exercising any healthy influence on the States.

Administration in States.— For several reasons it is not possible to give any general account of the methods of administration prevalent in Indian States. They do not possess any uniform system of administration as one finds in the Governor's Provinces. The powers and authority enjoyed by the Princes are not the same in all cases, they reveal almost all gradations from full autonomy to a mere shadow of authority. Besides the uniform dependence on the Paramount Power for their very existence, the States have only one other feature in common, namely, the monarchical system of government. In every one of them all power is centred in the Ruler, and except in the case of Aundh, it is exercised in a more or less despotic manner. No State other than Aundh has written down democracy in its constitution, everywhere else there is autocratic and despotic rule of the Prince.

There are however several important States which have tempered their absolutism with some sort of show of reforms. They have learnt from their British masters that it is an easy affair to institute 'Legislative Councils and Assemblies which are mere debating societies. Even those of Travancore and Mysore can do little more than criticise the budget and the past administration, and in many cases saving clauses are added which curtail still further these limited rights.* Mysore, Travancore, Cochin and Baroda are the most progressive of all States (Aundh excepted); the Legislatures in them have been vested with greater powers than in the Hyderabad State. Hyderabad has a unicameral legislature of 85 members of whom only 42, i.e., less than one half, are elected. The Muslims who constitute a very small fraction of the population have been given equal representation with the Hindus among both the elected and nominated members. It is the only State to have adopted occupational constituencies

* Garrat, *op. cit.* page 134

in place of the territorial The institution of state legislatures is a welcome sign; the practice is bound to expand, and the legislatures are sure to have larger powers in the future.

Another reform introduced in some States is the institution of a Council of Ministers to aid and advise the Ruler in the work of administration Their members are in most cases appointed by the Rulers themselves, and are responsible to them. The new constitutions of Mysore and Kashmir, however, provide for the appointment of two ministers from among the elected members of the State-Legislatures. The Dewan or Prime Minister is usually the President of the Council Although some of the States have separated the judicial from the executive branch and established High Courts, in most of them the administration of justice is medieval in its simplicity There is no justice worth the name; persons can be imprisoned and their property confiscated without due process of law The Ruler himself dispenses what he is pleased to call justice, and there is no appeal from the ruling given by him even in matters in which he and the members of his family are involved It is pleasing to note that the States are fast becoming aware of the necessity of reforming the administration of justice

Most of the Princes would endorse the saying of a French monarch, 'I am the State' They take it for granted that the income and resources of their states are their personal property and exist for their pleasure. Most of the state revenue is spent on maintaining the Ruler in comfort and luxury It is said that the late Maharajah of Bikaner, who was one of the best princes of his day, retained about two-thirds of the entire income of his State for the royal purse and spent it on the royal feasts, royal weddings, palace and retinue It is cheering to note that the movement for fixing the royal privy purse is spreading Many Princes have fixed the sum more than which they would not take from the State treasury

Though States like Cochin, Mysore, Travancore and Baroda are very much advanced in education, most of them are educationally very backward The answer given by the ruler of a State to the question put to him by Mr Edgar Snow, a famous American tourist and journalist, is typical of the attitude of many a Ruling

Chief and deserves to be quoted Here are the relevant extracts

'Do you have a representative government of any kind in your state, Your Highness?' I asked idly .. . 'I mean, is there any kind of advisory council?'

'Oh, dear me, no, nothing like that, Mr Snow,' he responded in an Oxford accent 'We find here in India that if you once begin that sort of thing there is no end to it and the people always suffer Lawyers get into office and begin to exploit the masses and the state becomes corrupt It is much better to keep all the power in the hands of the sovereign'

'Quite so, Your Highness, . What is the percentage of literacy in Dholpur? Higher than in British India, I suppose?'

'I am afraid I can't tell you that,' he said..... 'My policy is not to emphasise education We find that here in India if the people once go to school they are not good farmers any more Somehow it seems to soften them''

Though here and there reforms have been introduced, and the administration in a few of the States has reached a fairly high standard of efficiency, on the whole the Indian Princes are backward and incompetent, and many of them corrupt and degenerate In the language employed by Lord Curzon they constitute a class to whom God has given a sanad of perpetual idleness. When we remember the conditions under which they live, it is not at all surprising that the conditions should be so bad as they are in most places They are the direct result of the separation between power and responsibility which is a characteristic feature of the present administration in the States The Paramount Power has guaranteed protection and security to them, but does not enforce responsibility for the good government of their people Being deprived of so many essential attributes of sovereignty, the Prince sinks in the esteem of the people. The feeling of security generated by dependence on the British bayonets deprives him of the stimulus to good government which is supplied by fear of rebellion and deposition Little wonder then, that he should become a sensualist, an extortionate miser, and a careless and lax

ruler. The higher classes, coerced by external ascendancy, in turn lose their self-respect and degenerate like their master. The people groan under a complicated system of repression which is irremediable.*

It is hardly necessary to dilate upon the hardships under which people live in Indian States. Suffice it to say that they enjoy no civic liberty or political rights in most of them. They seem to exist for paying taxes to the State and contribute to the pleasures and comforts of the ruler in diverse ways. The Prince is more anxious to keep the Resident or whoever functions in his State as his agent in good humour than to provide amenities of good life for his subjects, and spends more money on shikar, trips to Europe or hill stations and banquets to European officials than on the education of the people or on the improvement of public health and hygiene. There are, of course, a few honourable exceptions.

We would conclude this review of administration in States with the remark that they differ markedly in respect of the rights they respectively exercise. Only a very small number of them have the right to mint their coins, a slightly large number maintain their own postal system. Some have their own railway lines connecting their capitals with the main railway lines passing through or near to their territories. The bigger States have the power to inflict the highest penalty provided by law, namely, the death sentence. Most of the smaller States have great limitations upon their judicial powers. But no State can try European British subjects, cases against them are tried by the Residents. The British Government also control the production of salt, opium and arms throughout the whole of the country.

Movement for Responsible Government in States — The Indian States could not remain unaffected by the growth of the national movement in British India and the popular demand for the establishment of responsible government in the provinces and the centre. The people of the States have also been roused from their long slumber. In several of them Praja Mandals have come into existence for carrying on agitation for the introduction of reforms. Their chief demands are the following : (1) That a

* Rawlinson *India*, page 402

Council of Ministers should be appointed to aid and advise the Ruler of a State in carrying on the work of administration. The ministers should be appointed from among the elected members of the State legislature and be made responsible to it (ii) A legislature should be established for making laws and controlling the finances of the State (iii) The privy purse of the Ruler should be fixed (iv) The people should be granted freedom of association and liberty of speech (v) No one should be arrested without a due warrant of law (vi) Appointments to the various offices in the State should be made on merit, and law should be administered impartially.

The movement for self-government has not made so great progress in the States as in British India because of lack of education and the absence of political consciousness among the masses. In their efforts to suppress it the States have been helped by the Paramount Power which accepted the complete autocracy of the Ruling Chiefs without demur. Its success is linked up with the success of the national movement in British India. Democracy in one part cannot co-exist with autocracy in another part of the same country.

Political Officers — The Government of India maintains a special department called the Political Department for dealing with the Indian States. The Governor General himself presides over this department. It is impossible for him to deal with the States himself. He carries on relations with them through a number of officials known as Political Officers. It is through these officers that the Paramount Power exercises control over their administration. They form the sole channel of communication between them and the Government of India. All the political officers are not of the same rank and status. In important States like Kashmir, Mysore, Hyderabad, Baroda and Cochin, the political officer is called the Resident, and he resides at the capital of the State. Less important States have been grouped into ten Agencies. The Rajputana Agency, the Central India Agency, the Punjab States Agency, the Western-India States Agency, the Eastern States Agency, the Madras States Agency, and the Baluchistan Agency are some of them. Each Agency has a political officer formerly called

the Agent to the Governor General but now known as the Resident, to act for all the States included in it. The Resident in charge of an Agency is assisted by a number of local residents and political agents, according to the number of sub-divisions into which it may be divided and the number of important States in it. The Governor of Assam acts as the Resident for Manipur and other States in the province, and the Governor of the Punjab acts in a similar capacity for some of the States within his jurisdiction. The Resident at Gwalior looks after the Rampur and Benares States in the United Provinces.

These political officers should not be mistaken for diplomatic agents representing a foreign power at the courts of the States, they are essentially executive and controlling officers of a superior government. In the past they conducted negotiations, reported important occurrences at native courts and kept the supreme government informed of the resources, character and administration of the Princes to whom they were accredited, and occasionally assumed the functions of a dictator. But with changed conditions a change for the better has come. Nevertheless, the ways and methods of the present day Residents and Political Agents are characterised by a good deal of secrecy and mystery. Their communications are couched in a language which none but those to whom they are addressed can understand. Their functions are of a varied nature. They enforce law against the European offenders in all the States, and against British Indian subjects in some. They represent the Paramount Power in an executive capacity, and enjoy extra-territorial rights, freedom from customs, special personal honours, etc. As stated above, they are the sole channel of communication between the States and the Government of India. They are also expected to assist and advise the rulers in administrative matters. During the regime of a minor ruler or in times of regency, a political officer plays a dominant part in the State administration. It is thus obvious that he is the repository of unique powers which are at once executive, judicial and of a supervisory character. It may also be added that no important event like a matrimonial alliance can take place without his approval. It is generally on the confidential reports of this official that the Paramount Power interferes in the internal administration of a State.

and takes action against its Ruler. The post is thus very important, appointments to it are made from the ranks of the Indian Army and the Indian Civil Service. No Indian has yet held the post of a political officer in a State.

Chamber of Princes — Prior to Reforms of 1919 there was no central organisation of the Princes in India which could be availed of either by the Government for ascertaining the views of the Princes on matters affecting them, or by the Princes themselves to discuss problems of common concern. For long the need of some means to break the isolation in which the Princes stood was felt. It was left to the authors of the Montford Reforms to suggest the creation of a new body called Narendia Mandal or the Chamber of Princes for the purpose of 'securing the expression of their collective opinion and of providing opportunities for counsel and consultation in matters of common concern to India as a whole' as well as in matters in which the States were interested.

The Chamber of Princes was set up on the 8th of February, 1921, by a Royal Proclamation which contained the following passage: 'In My former Proclamation I repeated the assurances given on many occasions by my Royal Predecessors and Myself, of my determination ever to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable.'

As originally constituted, the Chamber consisted of 108 Ruling Princes who enjoyed permanent dynastic salutes of eleven or more guns and exercised full or practically full powers in their States as would qualify them, in the opinion of the Viceroy, for its membership, and twelve additional Princes elected by 127 other States not included in the first group. The number of States in the first group now stands at 135, and that of the States in the second class whose chiefs are represented in the Chamber by election and not in their own right, at 108. The rest of the chiefs have no representation in it. The Viceroy is its ex-officio president, and approves its agenda. Nothing can be included in the agenda without his previous consent. The Chamber elects every year a few office-bearers, the most important of whom are the Chancellor and the Pro-Chancellor, and

a Standing Committee consisting of four or five members besides the Chancellor and the Pro-Chancellor. The Chamber meets once a year, but the Standing Committee meets twice or thrice a year or even oftener, if need be. Its functions are to advise the Viceroy on all questions referred to it, and to propose to him other questions affecting the States in general or questions which concern both the States and British India. The function of the Chamber and the limitations on its powers were thus defined by the Royal Proclamation: 'My Viceroy will take counsel freely in matters relating to the territories of the Indian States generally, and in matters which affect those territories jointly with British India or with the rest of my Empire. It will have no concern with the affairs of individual States or their Rulers, or with the relations of individual States to my Government, while the existing system of the States and their freedom of action will be in no way prejudiced or impaired.' The Chamber is thus a consultative and advisory body, it has no executive or administrative functions. It can discuss problems affecting the States generally, or those which are a joint concern of the States and British India, but is precluded from dealing with the affairs of individual States and their rights and privileges.

Through its career of less than a quarter of a century, the Chamber had to pass through many vicissitudes arising mainly from the conflict of interests between larger and smaller States. The result was that for a time many of the major States kept themselves away from it. Its Standing Committee has been re-organised, and at present consists of 35 members of which 18 hold seats permanently or semi-permanently, and the rest are filled by election by regional groups. A Standing Committee of Ministers has also been constituted to which work of a more technical character is entrusted.

Till 1929 the meetings of the Chamber were not open to the press. Therefore the people outside knew nothing about its functioning or the matters discussed by it. But from that year, its meetings have been thrown open to the press and the veil of secrecy which hung over it for long has been lifted. The public is not very much impressed by its work or utility, and it is

commonly believed that the Chamber has not been the success it was expected to be.

The States and the Indian Federation.— One of the most interesting provisions contained in the Government of India Act of 1935 was the proposal to establish an All India Federation consisting of the Provinces of British India and such Indian States as may be willing to join it. Because States ruling over half the total population of the States and entitled to half the total number of seats allotted to them in the Federal Council of State did not express their willingness to accede to the Federation, it could not come into being. For all intents and purposes the federal scheme as outlined in the Act is dead to-day. There is no chance of the federal portion of the Act of 1935 being put into operation. This does not mean that the *federal idea* also has been given up, or that efforts will not be made in the future to evolve an All India polity with the States as integral parts thereof. The future constitution of India cannot be other than federal in nature. It is therefore advisable to examine the effects the entry of States in the Indian Federation is likely to have on them.

It is obvious that a State joining the Federation will have to surrender some of the existing rights and powers it enjoys to the Federal Government. It means that by the terms of the Instrument of Accession* the Ruler of the State permanently and irrevocably limits his 'sovereignty'. He accepts the right of the Governor General, the Federal Legislature, the Federal Court or any other Federal authority to exercise in relation to his State such functions as may be vested in any one of them by the constitution. In return for the great opportunity he or his nominees would get as a member or members of the Federal Legislature, and possibly of the Federal executive, to influence and shape the course of events in British India, this partial surrender of the so-called sovereignty should not be regarded as a sacrifice.

Important as this opportunity of having a share in the determination of policies and the shaping of legislation affecting the whole of India is, accession to the Federation is likely to have a far more significant effect on the general tone of life and activities

* See *supra*, pages 63—4

in the State It has to be admitted with regret that in a great majority of the States civic and political life is at a very low ebb The masses have no civic liberty worth the name, and not an iota of political power They are steeped in ignorance and have little education. The Princes have no incentive to improve the administration and give satisfaction to the people— thanks to the feeling of security engendered by dependence upon the might of the Paramount Power They are apt to grow indolent, and cruel and avaricious in relation to their subjects whose reprisals they need no longer fear Dependence upon external help for self-preservation against internal rebellion and external aggression has led to a great decay of the Indian States. It has driven the Princes to direct all their energies to propitiate the Paramount Power and neglect the interests and good-will of their subjects. The evil effects of dependence upon British Government for security have been aggravated by the influence of isolation in which the States stand. They are cut off from each other and also from British India Accession to the Federation will bring the States into closer association with the rest of the country, and make the Princes realise their duties to themselves and to their subjects They are likely to be impelled to bring their administration near the level attained in the neighbouring provinces of British India Participation in the larger life of the nation implied in membership of the All India Federation would thus do immense good to the States; it will break down their present isolation and broaden the conception of rulership entertained by the Princes. It is also expected that it would hasten the advent of democracy in the States. Autocracy cannot flourish for long in them when the surrounding provinces are democratically governed

In this connection it is important to remember that politically minded India would not tolerate the admission of any State into the future Federation if it does not replace autocratic by democratic government within its borders In order that there may be real and permanent friendship and union between the two Indias, it is necessary that they should move closer to each other in their civic and political life As the Indian National Congress declared in

one of its resolutions passed in February, 1938. 'A real federation must .. consist of free units, enjoying more or less the same measure of freedom and civil liberty and representation by democratic process of election Indian States, participating in the Federation, should approximate to the provinces in the establishment of representative institutions, responsible government, civil liberties, and the method of election to the Federal house' In so far as a close political association with British India is calculated to produce a democratic outlook and lead to the growth of representative institutions in the States, their entry into the future Federation would be welcomed by all well-wishers of the Indian people. It may also be pointed out that accession to the Federation would also accelerate the development of the economic resources of the States, lead to the growth of education and an improvement in the general standard of life among the State subjects. All this would automatically result in great diminution of the control exercised by the Political Department of the Government of India over the States as well as in the interference by the Paramount Power.

The Role of the States — The role played by the States in the political and cultural life of India has a bright as well as a seamy or dark side. To take the former first, it can be said that for long they have served as a fine training ground for Indian statesmen. Though the administration in most of the States is far from being sound and efficient, it must be admitted that here and there one would come across excellent Indian administrators who can be an example to most of their compeers in British India in industry, integrity, and self-less devotion to the good of the public. When avenues for the display of Indian talent were closed in British India, the States provided a vast field for its manifestation and exercise. They have rendered no small service in preserving fine arts like music and dancing, even till this day, some of our best musicians belong to various State courts. Military spirit and martial traditions still persist to some extent in them. They are also very good laboratories for social experiments. 'The vast mass of social legislation enacted in the Baroda State is proving a model to such efforts in British India. The reform of Hindu religion carried out in the orthodox State of Travancore by

the abolition of untouchability is a fact of fundamental importance to the whole of India. The great experiment of modern university teaching in an Indian language which the State of Hyderabad is carrying on with remarkable success is an indication of the line of our development in educational matters. The industrial policy of Mysore no less than its political advance has been a model for other parts of India.*

Our attitude towards them is, however, bound to undergo a radical change when we remember the unworthy role they played and are still playing in the political domain. Some of them helped the invaders to conquer India in the past; their rulers were what in the language of to-day would be called Fifth Columnists or Quislings. The British politicians were not slow to discover that they could be utilised for maintaining British authority in India. After having destroyed native rule over more than one half of the country, the British authorities stopped the policy of annexing their territories outright, and adopted the strategy of converting them into loyal and faithful protected allies. The events of 1857 proved the value of the new strategy, but for the help given by the Native Princes, British authority would have come to an end that year. This fact has been fully realized by all British Premiers and Cabinets down to the present day. There has been no whisper in any quarter about the intention of abolishing the States. On the contrary, no efforts are spared to see that no harm comes to the autocracy entrenched in them with the help of British bayonets. The role of the Princes in the British policy of *divide et impera* is thus admitted by Professor Rushbrook Williams, an official apologist for the India Office: 'The situation of these feudatory States, checkboarding all India as they do, is a great safeguard. It is like establishing a vast network of friendly forces in debatable territory. It would be difficult for a general rebellion against the British to sweep India because of this network of powerful loyal 'Native States' † British Imperialism wants to use them as pawns on the chess-board of Indian politics. It therefore laid it down

* Panikkar *Indian States*, page 29

† Quoted by Edgar Snow from *The Problem of India* by Palme Dutt

that the Indian Federation could not come into being unless a certain number of Princes expressed their willingness to join it. In the proposed Federal Legislature the Princes were given weighted representation. And the Cripps proposals also contained the provision that the Constituent Assembly which was to devise the Indian Constitution and negotiate a treaty with Great Britain was to contain a good proportion of the nominees of the Indian Princes. The problems raised by the Princes in regard to their so-called sovereign rights and status are bound to present serious and perplexing difficulties to Indian statesmen in the future.

Chapter XVIII

THE CONSTITUTIONAL STATUS OF INDIA

Introductory — We propose to conclude our review of the civic life and the administrative system of our country with a brief examination of her position in the British Empire of which she is at present a member. The British Empire consists of states and peoples in different stages of political development. If, on the one side, it contains self-governing units like the Dominions of Canada and Australia, there are, on the other side, protectorates like Gambia, Sierra Leone and Nigeria in Africa. India occupies a peculiar position in it, she is neither a self-governing Dominion, nor a protectorate. Her status is higher than that of a colony but inferior to that of a Dominion. It is superior to that of a protectorate or a colony in so far as she was an original member of the defunct League of Nations, and is represented by a High Commissioner at London and at some Dominion capitals. But she is not a full fledged Dominion yet, she has no autonomy in her internal administration and in the management of her foreign relations which are managed by the Secretary of State for India. All that can be said is that she is on the road to Dominion Status. She has left behind the stage of being a Dependency, but has not yet arrived at the goal of Dominion Status.

Position under the Act of 1935 — It has been stated above that the constitutional goal of India is Dominion Status. But it should be realised that this is nowhere laid down in the Govern-

ment of India Act of 1935. Some members of the British Parliament belonging to the Labour Party tried to have a Preamble inserted in the Act of 1935 embodying Dominion Status as the goal of India's political destiny. Their efforts failed. The omission of any reference to Dominion Status in the Act evoked strong criticism here and in England, and led many persons to doubt the sincerity of earlier British declarations on this point. But it may be assumed that the British Government would never go back upon the declaration made by Lord Irwin in 1929. He said : 'In view of the doubts which have been expressed both in India and Great Britain regarding the interpretation to be placed on the intentions of the British Parliament in enacting the Statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the Declaration of August, 1917, that the natural issue of India's constitutional progress as there contemplated is the attainment of Dominion Status.' If the Act of 1935 makes no mention of Dominion Status as the goal of British policy in regard to India, it does not also annul the Preamble to the Government of India Act of 1919 and the interpretation put upon it by Lord Irwin with the authority and consent of the British Government. We may therefore say that the Act of 1935 leaves the position where it was before its enactment, it makes no change whatsoever in the constitutional position of India in the Empire.

Independence as the Goal of India.— In view of the tremendous changes that have taken place in the country and the world at large since the passage of the Act of 1935, particularly as a result of the great World War II that has just concluded, the question of Dominion Status has lost interest. India stands irrevocably committed to Complete Independence or Purna Swaraj, she would not agree to remaining a member of the British Empire. The ideal of Dominion Status might appeal to the Canadians, Australians, South Africans, New Zealanders and others who are bound to the British people by ties of racial, cultural, religious and linguistic affinity, it has little or no attraction for the people of India who differ from the Britishers in all these respects. We want to be as free and independent as the citizens of Russia or those of the United States of America are, owing

allegiance to no external authority. This does not mean that a free India would sever all connections with Great Britain. If a free America can become an ally of Great Britain in the wars the latter had to fight against her enemies, there is no reason why a free India may not do so voluntarily, provided the attitude of Great Britain is no obstacle in the way. India would not mind being bound to Great Britain by the allures of love, she certainly resents being tied to her chariot wheel by means of force. What she demands is the recognition of her right and freedom to form alliance with any nation she chooses. It is interesting to note that the right of India to secede from the Empire was implicitly recognised by the Cripps Offer.

The world is in the throes of a new birth. The old order seems to be dying out, and a new social order is about to be ushered into existence. It may be hoped that imperialism, which means the forcible exploitation of the weaker by the stronger nations and is the root cause of the ills the present world is suffering from, would have no place in the new order. If this does not happen, and the big powers continue their game of power politics and the policy of imperialistic exploitation as in the past, the last war would have been fought in vain. In that case the world should be ready for another titanic struggle which would be even more destructive than the one just ended.

Meaning of Dominion Status — It may not be out of place in connection with the present discussion briefly to discuss the nature and meaning of Dominion Status, and the points in which it differs from Complete Independence.

The conception of Dominion Status is the result of gradual growth. It is a living and growing, and not a dead and static thing. At least, it is not a thing having a legal form. It is thus not easy to offer any precise definition of it. It is usually described as the status enjoyed by the Dominions of Canada, Australia, New Zealand, South Africa, the Irish Free State, and Newfoundland. According to the Balfour Report on which the Preamble to the Statute of Westminster is based, 'The Dominions are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a

common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations' From this description we can conclude three distinguishing characteristics of a Dominion. In the first place, a Dominion is a *free and autonomous* community. This means that every Dominion is free to administer its internal affairs as it likes and pass any laws it chooses. All legislative fetters imposed upon the dominion parliaments under the Colonial Laws Validity Act, 1865, are removed, and the legal supremacy of the British Parliament practically abolished. The British Parliament can legislate for a Dominion only when the latter consents to it as a matter of convenience. India has not yet attained this autonomy; the British Parliament still retains the right to legislate for her people and to determine the time and manner of her political advance. Autonomy also includes the right to regulate foreign relations. To-day the Dominions are competent to sign treaties with foreign countries on their own behalf. Some of them have direct relations with foreign powers and appoint ambassadors to their courts. Though the right to neutrality and secession is not formally recognised, in practice it can hardly be doubted. During the World War II Ireland remained neutral. She has practically gone outside the Empire. It is obvious that India does not enjoy the slightest freedom in her foreign relations. In the war just over the Governor General declared India to be a belligerent country without consulting the representatives of the people. She was dragged into a war which was no concern of hers. Summing up we may say that all the Dominions are equal in status to Great Britain and to one another. They are in no way subordinate either to the Government of Great Britain or one to the other. They are independent and sovereign states for all practical purposes, though not recognised as such by International Law.

In the second place, the Dominions are *freely associated* as members of the British Commonwealth of Nations. Though free and autonomous, they do not stand in isolation, but form members of a whole. It is not at all clear what the nature of the *whole* is. Is it a federation, a confederation, an alliance, or a union? It is difficult to answer the question. The word *freely* occurring in the definition might suggest that it is open to any member to leave the Commonwealth.

In the third place, all the Dominions owe allegiance to the British Crown. It is this loyalty to the Crown which binds all of them into a whole. The Crown is the symbol and link of imperial unity. This allegiance to the British Crown also distinguishes the Dominions from free and independent nations like the United States of America. A community which objects to this allegiance cannot become a member of the Commonwealth.

The difference between Dominion Status and Complete Independence lies in the point mentioned last. The people of the Dominion of India would be bound to recognise the British King as their king and to render him loyalty and allegiance, the citizens of an Independent India would have no such obligation; the word Crown would not occur in the constitution they might frame for themselves. Into the merits and demerits of Dominion Status or of Complete Independence as our goal we need not enter here. It is sufficient for our purposes to state that barring the Liberals, the Indian Princes and a few individuals having vested interests, the intelligentsia is in favour of Complete Independence.

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